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26.02.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 18930 of 2023

**Bahamani Murmu
-versus
The State of West Bengal & Ors.**

**Mr. S.P. Lahiri,
Md. Habibur Rahman.
...For the Petitioner.**

**Ms. Sonal Sinha,
Mr. Avishek Prasad,
Ms. Srabasti Barui.
...For the State
Election Commission.**

**Mr. Lalit Mohan Mahata,
Mr. Rudranil De.
...For the State.**

The petitioner complains that the private respondent does not belong to the Scheduled Tribe community but she contested the Panchayat General Election, 2023 from a seat which is reserved for the Scheduled Tribe candidate.

It appears that from the documents annexed to the writ petition and upon hearing the submissions made on behalf of the parties that the petitioner is yet to raise a formal objection before the concerned authority. The petitioner relies upon the objection filed by one Chhaya Roy who intended to contest the election from the said post but was not permitted in

view of the fact that she does not belong to the Scheduled Tribe community.

Whether the elected candidate and the candidate who was not permitted to contest the election belong to the same community or not is not clear. Accordingly, the petitioner cannot rely upon the complaint lodged by a third party to get relief in her favour.

If the petitioner has an individual grievance, then the petitioner ought to have raised the grievance before the competent authority at the proper time. The petitioner is still not certain as to whether the candidate who has been elected from the reserved post belongs to the said reserved category or not.

The petitioner may approach the competent authority after she obtains specific information that the elected member does not belong to the Scheduled Tribe category.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)