

Item No.7

06.03.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 18980 of 2023
Rahamatulla Mondal

v.

The State of West Bengal & Ors.

Mr. Mrinal Kanti Sardar
Mr. Debasish Saha
Ms. Aparna Mondal
... for the petitioner.

Mr. Santanu Kumar Mitra
Ms. Rama Halder
... for the State.

Mr. Subhabrata Das
... for the respondent no. 10.

Mr. Sonal Sinha
Ms. Srabasti Barai
Mr. Shabnam Farooqui
... for the State Election Commission.

The order dated July 27, 2023 passed by the Panchayat Returning Officer & Block Development Officer, Jaynagar-1 Development Block is impugned in the present writ petition.

By the said order the Panchayat Returning Officer was of the opinion that the defect in the ballot paper that is non-affixation of the distinguishing seal and signature in the reverse is condoned.

The reason given for condoning the defect is that it was a repoll. The printed ballot papers came to the strong room venue at 12-30 a.m on 10th July, 2023 and at that very night it was not possible to move the ballot papers to the polling station. It was moved to the polling

station in the morning at 5.30 a.m. As there were many voters standing in the queue the Presiding Officer missed to affix his signature on the backside of the ballot papers.

The Presiding Officer has also filed an affidavit disclosing that it was a genuine error on his part in not affixing the signature and the distinguishing rubber seal in the reverse.

The stand taken by the Panchayat Returning Officer in condoning the defect does not appear to be improper. There is provision in the West Bengal Panchayat Election Rules, 2006 for condoning such type of defect.

In view of the above, the Court is not inclined to interfere with the order passed by the Panchayat Returning Officer.

The writ petition fails and is hereby dismissed.

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

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(Amrita Sinha, J.)