

23.04.2024
Item No.14
AB
Ct. No. 24

WPA 20408 of 2023

**Uttam Kahar
Vs
The State of West Bengal & Ors.**

Mr. S. N. Arefin,
Mr. Partha Chakraborty,
Mr. Muhammad Obaid For the Petitioner.

Mr. Debabrata Chatterjee,
Mr. Simanta Kabir,
Mr. Avik PramanikFor the Respondent No.5.

Mr. Amal Kr. Sen, ld. AGP,
Mr. Jaladhi DasFor the State.

The petitioner challenges the candidature of the private respondent in contesting the Panchayet General Elections in a general category and thereafter taking advantage of the reservation at the time of election of Pradhan.

It appears that the private respondent has disclosed her name as Pranati Banerjee in all official records. At the same time, she has taken benefit of reservation in terms of the Scheduled Caste certificate which was issued in her favour in the name of Pranati Mondal.

Learned Advocate representing the petitioner submits that there is no document in support of the submission of the private respondent that Pranati Mondal and Pranati Banerjee is one and same person.

The report of the State respondents includes a copy of the caste certificate issued in favour of Pranati Mondal on 05.04.2018 mentioning that she belongs to a Scheduled Caste category.

Learned Advocate representing the private respondent submits, upon instruction that, Mondal is the premarital surname and after marriage the private respondent has adopted the surname of her husband i.e. Banerjee.

The private respondent has relied upon the Certificate of Election issued in her favour on 17.05.2018 where she was elected as Pranati Banerjee (Mondal) from the Champtala IV Constituency Gram Panchayet.

The private respondent has relied upon the judgment delivered by this Bench in the matter of ***Lovely Bibi Vs State of West Bengal & Others*** being WPA 7404 of 2022 on July 12, 2022 wherein the Court held that the relevant law mentions that it is not essential that the caste certificate is required to be declared or submitted at the time of filling the nomination. It is only if the benefit of reservation is sought for, then the question of producing the caste certificate arises.

In the present case, the private respondent contested as a general category candidate and she sought for reservation only at the stage of election of Pradhan when she produced the caste certificate. The same is permissible in law.

In view of the above, the relief sought for by the petitioner cannot be allowed.

The writ petition fails and the same is, accordingly, dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after compliance with all the necessary formalities.

(Amrita Sinha, J.)