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07.05.2024
d.p.

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

W.P.A. 21573 of 2023

**Mutuka Mahato
-versus
The State of West Bengal & Ors.**

**Mr. Lalratan Mondal,
Mr. Avik Kumar Das,
Mr. Dilip Kumar Sadhu.
...For the Petitioner.**

**Mr. Amal Kumar Sen, AGP,
Mr. Jaladhar Das.
...For the State.**

**Ms. Sonal Sinha,
Ms. Shabnam Farooqui,
Ms. Srabasti Barai.
...For the Election Commission.**

The petitioner is aggrieved as the private respondent no. 7 has been permitted to avail the benefit of reservation despite she not submitting the caste certificate at the time of filing the nomination paper for contesting the election of the panchayat.

Learned advocate appearing for the petitioner submits that the private respondent applied for obtaining the caste certificate after the result of the Panchayat election was declared.

Fact remains that the petitioner does not challenge the genuinity or veracity of the caste certificate relied upon by the private respondent.

According to the provisions of law, it is not essential that the caste certificate is required to be declared or submitted at the time of filing the nomination. It is only if the benefit of reservation is sought for, then the question of producing the caste certificate arises.

In the instant case the private respondent for obtaining the benefit of reservation for contesting for the post of Pradhan applied for obtaining the caste certificate and relied upon the same at the time of election of Pradhan. The same is permissible in law.

There is no error on the part of the respondent authorities in permitting the private respondent to rely upon the caste certificate issued in her favour by the competent authority.

The relief prayed for by the petitioner cannot be allowed.

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.

(Amrita Sinha, J.)