

**HIGH COURT AT CALCUTTA**  
**CONSTITUTIONAL WRIT JURISDICTION**

**Present:**

**THE HON'BLE JUSTICE JAY SENGUPTA**

**WPA 28773 of 2024**

**South Eastern Railway Men's Trinamool Congress**  
**versus**  
**The Union of India and others**

**For the petitioner**

Mr. Prabir Kumar Mitra  
Mr. Lalit Kumar Jaiswal  
Ms. Subhanwita Ghosh  
Ms. Sananda Bhattacharjee

**For the respondent Nos.1 - 6**

Mr. Siddhartha Lahiri

**Heard on**

03.12.2024

**Judgment on**

03.12.2024

**JAY SENGUPTA, J:**

This is an application praying for direction upon the respondent authorities to consider the petitioner's representation dated 28.11.2024 and to cancel the Secret Ballot Elections-III of the South Eastern Railway, 2024 which is scheduled to be held on December 4 to 6, 2024 and declare fresh election dates.

Affidavit of service filed in Court is taken on record.

Learned senior counsel representing the petitioner submits as follows. The petitioner is contesting Secret Ballot Elections-III for recognition of Trade Unions in the Indian Railways. On 11.11.2024, a notice was issued by the Railway authorities publishing a final list of contesting Railway trade unions for the said elections. There the petitioner was placed at serial No.3 and it was mentioned that one All India Railway Trade Union (AIRTU) also applied, but its nomination was not accepted. Suddenly, on 14.11.2024 another notice was published for the final list of contesting trade unions. There the petitioner's name was placed at serial No.4. The petitioner campaigned for the election based on such notice. But, in the ballot paper published for the said elections the petitioner was again placed at serial No.3 and the entity whose candidature was earlier refused was included this time. This has created a lot of confusion amongst the voters some of whom are not literate. They would be confused about which serial number to vote for. Besides, the authorities should bear the expenses that the petitioner had to incur for doing necessary campaigning for recurrent alterations.

Learned counsel for the Railway authorities denies the allegations made in the writ petition and submits as follows. After the nomination of AIRTU was rejected by the authorities, it had approached the Hon'ble Bombay High Court. By an order dated 14.11.2024, the Hon'ble Bombay High Court allowed the

said entity to participate in the elections. In view of the same, the said entity was added as a contesting trade union in the notice published on 14.11.2024 with necessary rider. Incidentally, the lists are prepared and the entities are serially arranged alphabetically according to their respective abbreviated names. Soon before the elections, the respondents approached the Hon'ble Apex Court which stayed the order of the Hon'ble Bombay High Court. That is way the serial of the candidates that was published on 11.11.2024 again appeared in the ballot paper. There is no confusion whatsoever because the trade unions are having their respective names, abbreviations and symbols mentioned in the ballot paper.

Literacy is not necessarily synonymous with intelligence. It is only a matter of getting opportunities. So, there is no reason to underestimate voters in this regard.

It appears that the changes that had to be effected by the respondent authorities where in terms of the orders passed by the Hon'ble Courts of Law. It also does not appear that there was any malice in the same.

It is also evident that the serials have been consistently arranged alphabetically in respect of abbreviated names of the trade unions. If any other arrangement is made, the same could be challenged with more vigour.

It is abundantly clear from the ballot paper that the names, the abbreviations and the symbols of the respective trade unions are appearing on the same. There is hardly any confusion in this respect.

In view of the above discussions, I do not find any reason to interfere in the matter of elections that is to take place tomorrow i.e., on 04.12.2024.

Therefore, the writ petition is disposed of without any further order, even as to costs.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Parties shall act on a server copy duly downloaded from the official website of this Court.

**( Jay Sengupta, J. )**

