

14.08.2025
Item No.17.
gd/ssd

WPA(P)/96/2022
HIMANSHU HALDER
VS
THE STATE ELECTION COMMISSIONER AND ORS.

Ms. Sonal Sinha,
Ms. Shabnam Farooqi
..for State Election Commission.

Mr. Rabilal Maitra, Id. Sr. Adv.,
Mr. Goutam Misra,
Mr. Rajitlal Maitra,
Mr. Subas Ray,
Mr. Vaskar Pal
..for the Respondent no.3.

1. None for the petitioner.

2. In this PIL the petitioner has prayed for a direction to produce the relevant record to ensure whether the private respondent herein belongs to a reserved category or not.

3. In addition, petitioner prayed that his election be set aside/countermand.

4. Learned counsel for respondents submits that both the grievances the remedy to the petitioner is elsewhere and, therefore, this PIL is not maintainable.

5. Nobody appeared for the petitioner.

6. We find substantial force in the objection raised by learned counsel for the parties in view of the judgment of Hon'ble Supreme Court in the case

of *Madhuri Patil and another v. Addl. Commissioner, Tribal Development and others* reported in (1994) 6 SCC 241 a mechanism is in force wherein the exercise of the caste verification can be undertaken.

7. In this PIL, there is no occasion for this Court to undertake said roving enquiry.

8. This is trite that election of an elected person can be called in question only through an election petition. The PIL cannot be a substitute for the same.

9. For the aforesaid reasons, we find no reason to entertain this PIL and accordingly, the same is dismissed.

(SUJOY PAUL, J.)

(SMITA DAS DE, J.)