

A-04
04.08.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 17060 of 2025

Kalpabiswa Chakrabarty & Ors.
Vs.
State of West Bengal & Ors.

Mr. Subir Sanyal. Sr. Adv.
Mr. Ali Ahsan Alamgir.
Ms. Rabia Khatoon.
Ms. Soma Mal.
Ms. June Mokad.

...for the Petitioners.

Mr. Soumya Majumdar. Sr. Adv.
Mr. Anuran Samanta.

... for the respondent nos. 3 to 5.

Mr. Kishore Datta. Ld. A.G.
Mr. Swapan Banerjee.
Ms. Sumita Shaw.
Mr. Soumen Chatterjee.

... for the State.

Mr. Aniruddha Bagchi.
Mr. Arun Bandyopadhyay.

... for the Union of India.

1. Affidavit-of-service filed in Court today be retained with the records.
2. The receipt showing deposit of deficit Court fees be also retained with the records.
3. The petitioners are primary school teachers. They claim to be aggrieved by the order passed by the Electoral Registration Officer requiring their services under the provision of Section 2 of Section 13B of the Representation of the People Act, 1950.

4. The order specifies that the officer will be appointed as Booth Level Officer against polling stations under the terms and conditions as imposed upon them.
5. The officers are required to perform the following activities:- (i) assist eligible citizens, (ii) be present at the polling station during the entire period of the Special Summary Revision except on holidays under the Negotiable Instruments Act, (iii) be present on the designated Special Campaign Days to facilitate registration and verification process, (iv) maintain updated and accurate electoral roll, (v) personally visit household to distribute electoral photo identity card and voter information slips and assist in the verification of entries, (vi) conduct verification of polling stations, (vii) ensure removal of multiple entries, deceased electors and permanently shifted electors by collecting and processing Form-7, (viii) engage with local political parties to consult and confirm accuracy of the electoral roll and placement of polling stations, (ix) assist in the standardization of addresses and ensure that they are correctly reflected in the electoral roll, (x) regularly report progress and other issues encountered to the Electoral Registration Officer for timely resolution report progress and issues to the Electoral Registration Officers for timely resolution.
6. The officer shall be deemed on deputation to the Election Commission of India and the officer will be held responsible and accountable for any negligence and breach of official duty.
7. The petitioners apprehend that as they are required to teach students in the primary school which is a whole

time job from 10 a.m. to 4 p.m., they will hardly be left with any time to perform duties as per the order of the Electoral Registration Officer.

8. It has been submitted that it will not be proper for the officers to absent themselves from school duties only for the purpose of acting under the direction of the Electoral Registration Officer.
9. The studies of the primary school children will be hampered if the teachers are allotted any other duty apart from teaching. The student-teacher ratio under the Right to Education Act will also be infringed if the teachers are deputed for other duties.
10. The petitioners rely on the judgment delivered by the Hon'ble Supreme Court in the matter of **Election Commission of India -Vs- St. Mary's School and Others** reported in **(2008) 2 Supreme Court Cases 390** and the unreported decision passed by a Co-ordinate Bench of this Court on 28th September, 2018 in **WPA 18225 (W) of 2018 (Sutantra Haldar -Vs- The State of West Bengal & Ors.)** in support of the submission that the services of the officers ought to be utilized only on holidays, non-teaching days and non-teaching hours.
11. It has been submitted that the impugned order does not specify the period of deputation. Until and unless a specific period is mentioned, it will be deemed that the teachers would be under deputation for their entire service period.
12. Prayer has been made to relieve the petitioners from the duties mentioned in the impugned order of the Electoral Registration Officer.

13. Learned counsel representing the Election Commission of India refers to the impugned order and submits that the said order has been passed in consultation with the concerned School Authority. The same is not a unilateral order.
14. It has been submitted that guidelines have been published by the Election Commission of India specifically mentioning that the teachers shall be drafted minimally as Booth Level officers. Where necessary, teachers should be drafted work during holidays and during non-teaching hours and non-teaching days so as to avoid any loss of academic work. No teacher of a single teacher school shall be deployed for the purpose.
15. The activities of the Booth Level Officers should be planned in such a way that it does not affect the work of their parent department.
16. It has been submitted that work is yet to be assigned to the officers and the work will certainly be assigned keeping in mind the guidelines laid down by the Election Commission of India.
17. Learned advocate representing the State and the Union of India adopt the submission advanced by the Election Commission of India.
18. Upon hearing all the parties and on perusal of the documents placed before this Court, it appears that though order has been passed by the Electoral Registration Officer appointing the petitioners as Booth Level Officers but specific work to the Booth Level Officers is yet to be assigned. As on date it cannot be

ascertained as to the nature of the work that will be assigned upon a particular officer.

19. The writ petition appears to have been filed apprehending that the teachers may be appointed whole time without following the guidelines published by the Election Commission of India.

20. The Hon'ble Supreme Court has specifically laid down in **St. Mary's School** (supra) that the teachers may be required to work only on holidays, non-teaching days and non-teaching hours.

21. As it appears that the individual teacher has not been assigned any duty yet, accordingly, the instant writ petition is disposed of with the observation that the duties that will be assigned to the officers shall be strictly in terms of the comprehensive instruction regarding Booth Level Officers as published by the Election Commission of India on 4th October, 2022.

22. The writ petition stands disposed of.

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

(Amrita Sinha, J.)