

S/L 12
10.12.2025
Court. No. 25
suwayan

WPA 18385 of 2025

Biphal Malik
Vs.
The State of West Bengal & Ors.

Mr. Krishna Das Poddar
Mr. Aniruddha Singha Roy
...for the petitioner.

Mr. Bibekananda Tripathy
...for the State.

Mr. Priyabrata batabyal
...for the respondent no. 8.

1. The affidavit-of-service filed by the learned counsel for the petitioner be taken on record.
2. The petitioner has filed the present writ application on the allegation that the private respondent has obtained Scheduled Castes certificate illegally and has contested the Panchayat Samity election. He submits that when the petitioner came to know he has reported the matter to the authority but the authority has not taken any steps.
3. The learned counsel for the State submits that the petitioner has not made any complaint to the concerned authority. The complaint relied by the petitioner is of the third persons. He further submits that the prayer (b) of the present writ application is connected with the election and the writ court cannot decide the election under Article 226 of the Constitution of India.
4. The learned counsel for the private respondent submits that he has obtained the certificate of Scheduled Castes

from the concerned authority in accordance with law and accordingly, he has contested the election.

5. Heard the learned counsel for the respective parties.
6. This Court finds that the petitioner has disclosed three representations but none of the representations are filed by the petitioner. Prayer (b) of the writ application reads as follows:

“b) That a Rule be issued against the concerned respondents debarring or suspending the membership of private respondent till the disposal of the present writ application and direct him to show cause as to how he obtained Scheduled Castes certificate from the concerned authority.”

7. Considering the above, this Court finds that the petitioner by way of writ application challenging the election of the private respondent which is not maintainable.
8. Accordingly, the writ petition is dismissed.
9. However, there shall be no order as to costs.
10. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)