

S/L 17
27.03.2026
Court. No. 25
suwayan

WPA 6876 of 2026

Waliur Rahaman

Vs.

The Election Commission of India & Ors.

Mr. Anindya Bose
Mr. Santanu Maji
Mr. Mridul Biswas
Ms. Debrani Mondal
Ms. Raima Das

...for the petitioner.

Mr. Suryaneel Das

...for the respondents.

1. The affidavit-of-service filed by the learned counsel for the petitioner be kept with the record.
2. The petitioner has filed the present writ application praying for an order directing the respondents/authorities to exempt the petitioner for discharging his duty as Booth Level Officer as the petitioner is locomotive disable person having 70% disability. The petitioner submits that the petitioner has been given the work of Booth Level Officer in the month of September, 2025 and immediately the petitioner has requested the authorities that he is suffering from 70% disability but the authorities have not considered the case and directed the petitioner to continue the work as a Booth Level Officer. Now the petitioner has made a representation to the authorities on March 12, 2026 for considering the case for exempting the petitioner to work as a Booth Level Officer.
3. The petitioner has relied upon the circular dated October 4, 2022 issued by the Principal Secretary,

Election Commission of India wherein Clause 5(f) reads as follows:

“f. Physically challenged persons (including visually, handicapped and hearing and speech impaired persons), may not be drafted for BLO duty unless they express their willingness to take the work. While giving exemption in case of deployed PWD employees, ERO has to satisfy himself that the person concerned is actually having disability as claimed.”

4. Learned counsel for the petitioner submits that in such circular it is categorically mentioned that the persons suffering from disability are exempted to deploy as Booth Level Officer but in the case of the petitioner, the respondents/authorities in violation of the circular as allowed the petitioner to work as Booth Level Officer.
5. *Per contra*, learned advocate appearing for the respondents/authorities submits that the petitioner was appointed as Booth Level Officer in the month of September, 2025 and he has performed his duty as Booth Level Officer all those days but now all of a sudden after a period of six months the petitioner has submitted a representation for exemption to act as a Booth Level Officer. He further submits that the disability certificate of the petitioner relying upon in the present writ application has not been relied by the petitioner before the authorities.
6. Considered the submission made by the learned counsel for the petitioner, this Court finds that the petitioner has disclosed the disability certificate wherein it is

mentioned that the petitioner is suffering from 70% disability and the certificate is valid up till August 26, 2030. The circular relied by the petitioner dated October 4, 2022 issued by the Election Commission of India also provides that the physically challenged persons including visually, handicapped and hearing and speech impaired persons may not be drafted as Booth Level Officer duty unless they express their willingness to take the work.

7. In the present case, though the petitioner has worked as a Booth Level Officer in spite of that he is suffering from 70% disability but now the petitioner is not interested to perform the Booth Level Officer as he is facing difficulties.
8. Considering the above, the respondent no. 5 is directed to consider the request of the petitioner dated March 12, 2025 and to pass a reasoned and speaking order by considering the circular dated October 4, 2022 with regard to the exemption of the petitioner on the ground of disability.
9. WPA 6876 of 2026 is disposed of.
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.)