

S/L 1
03.04.2026
Court. No. 25
Sourav

WPA 8341 of 2026

**Sonamani Tudu @ Sonamani Murmu
Vs.
Election Commission of India & Ors.**

*Mr. Samim Ahammed
Mr. Arka Maiti
Ms. Ambiya Khatun
Mr. Asif Iqbal Baidya
Md. Nasirul Haque
Ms. Reshma Khatun*

...for the petitioner.

*Mr. Soumya Mazumdar, Sr. Adv.
Ms. Anamika Pandey
Mr. Ghanshyam Pandey
Mr. Dinesh Bachar*

...for ECI.

*Mr. Kishore Datta, Ld. AG
Ms. Sumita Shaw
Mr. Alok Banerjee*

...for the State.

1. The petitioner has filed the present writ application with the grievance that the petitioner is the Scheduled Tribe under the Category of Santhal at the State of Jharkhand and after her marriage, she has shifted to West Bengal and started residing at Village – Asanpani, P.O. Kunchia, P.S. Bandwan, District – Purulia, West Bengal along with her husband.
2. He submits that as per the notification the Santhal Category has also been recognized as tribe in the State of West Bengal. He further submits that in the year 2024, the petitioner has contested the Parliamentary Election as a tribal candidate. Now, the Election Commission of India has conducting Assembly Election in the State of West Bengal and the petitioner intends to file her nomination as Reserved Category (Tribe) of Manbazar, Purulia. He

submits that the authorities have not accepted the nomination form of the petitioner as the petitioner is not having the certificate of tribe category though the petitioner is the tribal as Santhal Category of Jharkhand and the said has been recognized by the State of West Bengal also.

3. Mr. Ahammed, learned counsel for the petitioner further submits that the petitioner has also applied for grant of Scheduled Tribe certificate before the concerned authority and the same is pending before the authority. He is relied upon the judgment in the case of ***Rajesh Arjunbhai Patel Vs. State of Maharashtra & Ors.*** reported in ***AIR 1990 Bombay 114*** and submits that in the said case also the petitioner was the Scheduled Tribe category of the State of Gujarat under the category of Bhil tribe but he has completed his study from the State of Maharashtra and, accordingly, the Bombay High Court has directed the authorities to consider the application of the petitioner under the Scheduled Tribe Category.
4. Learned counsel for the petitioner has further relied upon Section 5(a) of the Representation of the People Act, 1951 and submits that as per the said provision, in the case of a seat reserved for the Scheduled Castes or for the Scheduled Tribes of that State, he is a member of any of those castes or of those tribes, as the case may be, and is an elector for any Assembly constituency in that State. He submits that in the present case the petitioner is the Scheduled Tribe of the Jharkhand State under the Category of Santhal and he had married the person who is

the resident of Village – Asanpani, P.O. Kunchia, P.S. Bandwan, District – Purulia, West Bengal and in the State of West Bengal also the Santhal Category has been recognized as tribal. Thus, the petitioner is entitled to contest the election of the said constituency as tribal candidate.

5. Per contra, Mr. Mazumdar, learned senior counsel appearing for the Election Commission of India by referring Section 5(a) of the Representation of the People Act, 1951 and submits that as per the said provision, the person who intends to contest the election of the particular area on the reserved seat, he/she should be the member of the Scheduled Castes or the Scheduled Tribes. He submits that in the present case the petitioner is claiming to be a Scheduled Tribe but she is not having any documents of Scheduled Tribe in the State of West Bengal and as such, she cannot claim that she is the Scheduled Tribe of the State of West Bengal.
6. He further relied upon the judgment in the case of ***Action Committee on Issue of Caste Certificate to Scheduled Castes and Scheduled Tribes in the State of Maharashtra and Another Vs. Union of India and Another***, reported in ***(1994) 5 SCC 244*** and submits that in the said case the Hon'ble Supreme Court has categorically held that the migrant would not be entitled to derive benefits in the State to which he had migrated on the strength of such a certificate. He submits that the petitioner is claiming to be a tribal of the Jharkhand but in the State of West Bengal, no certificate

has been issued to the petitioner. Thus, she is cannot claim the benefit as a Tribal candidate in the State of West Bengal.

7. The Advocate General submits that though the petitioner has not claimed any relief in the present writ application against the State but he submits that if the petitioner intends to contest the Assembly Election as a Tribal candidate of a particular constituency, the petitioner has to prove that she is belongs to the Tribal category of the particular State of Union Territory. Only because she is holding the certificate of tribal of the State of Jharkhand cannot be treated as a tribal in the State of West Bengal.
8. Heard the learned counsel for the respective parties. Perused the materials on record.
9. This Court finds that the petitioner is intending to contest the Assembly Election of the particular constituency as a reserved category of Scheduled Tribe but the petitioner is having the certificate of Scheduled Tribe of the State of Jharkhand under the category of Santhal but she is not having Scheduled Tribe Certificate of the State of West Bengal though in the State of West Bengal, the category of Santhal is recognized as a tribal category.
10. The petitioner has submitted an application before the authority for grant of tribal certificate but the learned counsel appearing for the State has brought to the notice of this Court that the application submitted by the petitioner is not filled up in a proper way. The petitioner has neither submitted any certificate to show that any of the blood relation of the petitioner possesses caste

certificate and the petitioner has also not disclosed the documents that the applicant or his family member has been migrated from the other states.

11. The only prayer of the petitioner in the present writ application that the petitioner may be allowed to contest the election in the particular assembly election as a Tribal candidate but this Court finds that the petitioner is claiming to be a Tribal candidate of the Jharkhand under the category of Santhal but the petitioner is not having any certificate from the State of West Bengal. The State of West Bengal has recognized the Santhal category as Tribal. This Court finds that only the petitioner is intending to file the nomination to contest the forthcoming assembly election as reserved category candidate.
12. Considering the above, the petitioner is allowed to submit the nomination form for contesting the election of the particular State assembly under the category of Tribal subject to verification by returning officer. If the returning officer i.e., the respondent No. 4 on verification of nomination form finds that the petitioner has disclosed all the required documents, he can take decision for allowing the petitioner to contest the election in the particular assembly as reserved candidate and if the returning officer finds that the petitioner is not disclosed the required documents to prove that the petitioner is Scheduled Tribe candidate, the returning officer is at liberty to take appropriate decision for rejecting the application of the petitioner at the time of verification/scrutiny of the nomination form submitted by the petitioner.

13. In view of the above observations, the writ petition being **WPA 8341 of 2026** is disposed of.
14. This order passed by this Court as the last date of filing of the nomination is April 6, 2026 and this direction cannot be treated as precedent in future.
15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)