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27.04.2026
Court. No. 25
D.Hira

WPA 10314 of 2026

Smt. Arati Sengupta
Vs.
Election Commission of India & Ors.

Mr. Arkadyuti Pahari,
Ms. Pusprita Chowhdury,
Mr. Aniruddha Das.

... for the petitioner

1. Affidavit-of-service filed in Court today be kept with the record.
2. The petitioner has filed the present writ application with the grievance that the petitioner is an old aged lady of 89 years and has made a request to the Election Commission, Returning Officer and Assistant Returning Officer for allowing the petitioner to cast her vote by postal ballot but in spite of several representations made by the petitioner, the authorities failed to consider the request of the petitioner.
3. As per the provisions of the Representation of People Act, 1951, elections above the age of 85 years and PWDS identified in the electoral rolls are entitled to vote through postal ballot.
4. Section 60 of the Representation of the People Act, 1951 specifies the special procedure for voting by postal ballot by certain classes of persons.

5. The Election Commission of India issued guidelines on postal ballot on 13.10.2023 wherein it is provided that a Special Voter who wishes to vote by post shall send intimation in Form 12 to the Returning Officer so as to reach him at least 10 days before the Poll.
6. The petitioner has made an application only on 21.04.2026 and filed this writ application just 48 hours before the election.
7. If at this stage, if any order is passed for Postal Ballot, it would not be possible for the authorities to make proper arrangement for Postal Ballot.
8. In view of the above, the writ petition is dismissed. However, the petitioner is at liberty to make request to the Returning Officer for alternative arrangement to cast vote by the petitioner by providing wheelchair as the petitioner is aged about 89 years. If the petitioner will make any arrangement, the Returning Officer shall take appropriate steps in accordance with law.

(Krishna Rao, J.)