

28.04.2026  
Item No.1(SL)  
Court No.12  
(cp)

MAT 786 of 2026

Arati Sen Gupta  
Vs.  
The Election Commission of India & Ors.

Mr. Arkadyuti Pahari  
Ms. Pusprita Chowdhury  
Mr. Alik Mandi

.....for the appellant.

Ms. Anamika Pandey  
Mr. Ghanashyam Pandey  
Ms. Rishika Pandey

.....for the E.C.I.

1. Leave was granted by this court to file the appeal without any copy of the order impugned, as the order impugned has not yet been uploaded. However, this appeal is being heard upon considering the gist of the order as narrated in the memorandum of appeal. The matter was listed on urgent basis.
2. The appeal arises out of an order dated April 27, 2026, passed by a learned Single Judge in WPA 10314 of 2026. The appellant moved the learned writ court for a direction upon the respondents to facilitate casting of vote by the appellant through postal ballot/home voting, in accordance with the applicable rules and guidelines of the Election Commission of India.

3. The appellant claims to be a voter of Tollygunge (152) constituency, holding EPIC No.WB/18/108/510264. According to the appellant, after the implementation of Special Intensive Revision, 2026, the appellant's name duly appears in the voters' list dated February 28, 2026. As she is an octogenarian and suffers from ill health, the appellant claims to have approached the booth level officer of her constituency to arrange for postal ballot/home voting. It is her specific allegation that the booth level officer did not collect the necessary details from her and as such, neither home voting nor postal ballot could be availed of. Accordingly, the writ petition was filed for necessary direction.
4. His Lordship dismissed the writ petition on the ground that the appellant had come belatedly and the postal ballot as also home voting process had been concluded. According to His Lordship, changing the schedule would hamper the election process.
5. We do not find any illegality or perversity in the order of His Lordship.
6. Ms. Pandey, learned advocate for the Election Commission of India, submits that the forms may not have been filed in the proper manner. As a result of which the appellant may not have been given the required facilities.

7. Be that as it may, we are of the view that keeping in mind the age and health condition of the appellant, if the appellant is a registered voter after the SIR 2026, she should be allowed to cast her vote without unnecessarily waiting in a long queue.
8. The Election Commission has organized the elections and is in total charge and control thereof. The infrastructure of the State has been utilized. The Election Commission is the sole authority to supervise, execute and conduct the elections. Thus, as a duty towards the citizens, special preference to the sick and elderly people, at least above 75 years, should be given at the booths so that they have adequate sitting and wheel-chair facilities and are also allowed to be accompanied by a family member or a relative and enabled to cast their vote with a zero-queue facility.
9. It is very fairly submitted by Ms. Pandey that such arrangement will be made. Smt. Krishna Dey having Mobile No.6290508808, will accompany the appellant between 11 am to 2 pm on the polling day to the designated booth.
10. The presiding officer or the sector officer concerned, shall facilitate the entire process and ensure implementation of this order. The respective learned Advocates will communicate with each other over the

compliance of this order. CAN 1 of 2026 is treated to be on the days list and disposed of.

11. The server copy of the order of His Lordship upon being uploaded, shall be filed in court.
12. Accordingly the appeal is disposed of. The connected application, if any, is also disposed of.
13. All parties are directed to act on the server copy of this order.

**(Shampa Sarkar, J.)**

**(Ajay Kumar Gupta, J.)**