S/L 6
25.11.2026
Court. No. 25
Sourav

WPA 31980 of 2026

Shiher Mondal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Asif Dewan
Mr. Mehedi Masud
... for the petitioners.

Mr. Debasish Basu
Ms. Amrita Pandey
Mr. Jatinder Singh Dhatt
... for the respondent nos. 1 to 5 and 7.

Ms. Anamika Pandey
... for E.C.I.

1. The petitioner no. 1 has applied for Indian Army under the Scheme "Agniveer" as General Duty. The petitioner has been shortlisted and got an admit card to participate in the recruitment rally which is scheduled to be held on December 5, 2026 at Chinsurah Sports Ground, Hooghly. As per the admit card for recruitment rally, the petitioner no. 1 has to submit the domicile certificate issued by the Tehsilder or DM.

2. Learned counsel for the petitioner submits that the name of the mother of the petitioner who is the petitioner no. 2 herein is deleted from the voter list and the mother has already preferred an appeal before the SIR Tribunal and the same has not been disposed of, due to which the authorities are not providing domicile certificate to the petitioner no. 1.

3. He submits that unless and until the domicile certificate is not issued to the petitioner, it is difficult for the petitioner to participate in the recruitment rally which is scheduled to be held on December 5, 2026. He prays for an order directing the authorities, particularly, the

respondent no. 7, the Sub-Divisional Officer, Basirhat to provide the provisional domicile certificate to the petitioner so as to enable the petitioner to participate in the recruitment rally on December 5, 2026 or any subsequent date and the petitioner undertakes that in the meantime, if the mother will not succeed in the SIR Tribunal, he will inform the same to the authority concerned.

4. Learned counsel for the petitioners submits that the petitioner no. 2 who is the mother of the petitioner no. 1 has already preferred an appeal before the SIR Tribunal and till date the appeal is not disposed of. He prays for a direction upon the Appellate Tribunal for disposal of the appeal preferred by the petitioner no. 2 as early as possible.

5. Learned counsel appearing for the State submits that if a direction is issued to the authorities, the authority will take appropriate steps in accordance with law.

6. Learned counsel appearing for the Election Commission of India submits that if a direction is passed, the Appellate Tribunal shall dispose of the appeal of the petitioner no. 2 in accordance with law.

7. Heard the learned counsel for the parties. Perused the materials on record.

8. Admittedly, the petitioner no. 1 has been shortlisted to participate in the recruitment rally for “Agniveer” Scheme which is scheduled to be held on December 5, 2026 and as per the Admit Card received by the petitioner, the petitioner has to submit the domicile certificate issued by the Tehsilder or DM but the

authorities are not providing the same as the name of the mother of the petitioner no. 1 is deleted from the voter list but it is found from the record that the name of the father of the petitioner no. 1 is already been included in the voter list of 2026.

9. This Court also finds that the mother has already preferred an appeal and the same is pending before the Appellate Tribunal.

10. In view of the above, the respondent no. 7 is directed to provide provisional domicile certificate to the petitioner no. 1 if the petitioner no. 1 is otherwise eligible to get the said certificate without taking into consideration of the deletion of the name of the mother of the petitioner from the voter list. The petitioner no. 1 shall submit an undertaking before the respondent no. 7 that in case, the mother of the petitioner no. 1 failed to succeed in the SIR Tribunal, the petitioner no. 1 shall surrender the domicile certificate to the authority.

11. The respondent no. 7 is directed to issue provisional domicile certificate to the petitioner no. 1 if the petitioner no. 1 is otherwise eligible within a week from the date of receipt of the order of this Court.

12. The Appellate Tribunal is requested to consider the appeal filed by the petitioner no. 2, namely, Shirina Mondal @ Sirina Mondal within a period of three weeks from the date of receipt of this order.

13. In view of the above, **WPA 31980 of 2026** is disposed of.

14. 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.)