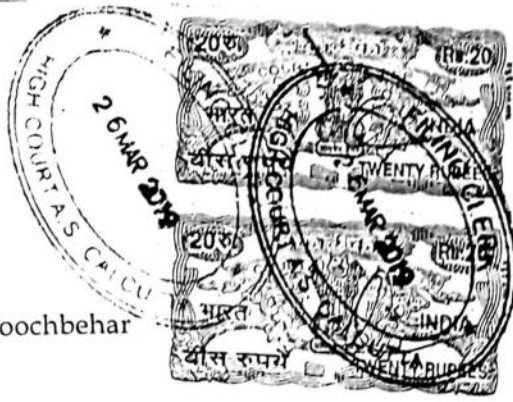


District - Coochbehar



Through
Srisendu Sinha
Advocate

In the High Court at Calcutta
Constitutional Writ Jurisdiction

Appellate Side

W. P. No. 7003 (W) of 2019

In the matter of:

WPA-50/2019
(Talpaiguri)

An application under Article 226 of
the Constitution of India;

-And-

In the matter of:

1. Debasis Mallik
2. Ramkrishna Pramanik
3. Arijit Chakraborty
4. Niladri Tikadar
5. Kunal Naskar
6. Samir Kr. Samanta
7. Kalyan Panda

All are working for gain at the ABN
Seal College, Coochbehar, P.N. Road,



1564

19/11/19

Coochbehar, P.O. and District
Coochbehar, PIN - 736101;

.....Petitioners

-Versus-

1. The Election Commission of India, service through the Chief Election Commissioner, having office at Nirvachan Sadan, New Delhi - 110001;
2. Chief Election Commissioner, Election Commission of India, having office at Nirvachan Sadan, New Delhi - 110001
3. The Chief Electoral Officer, West Bengal, 21, N. S. Road, Fairley Place, Kolkata - 700001;
4. The District Magistrate and District Election Officer, Coochbehar, PIN 736101;

.....Respondents

19/07/19

Reporting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
	24 sm	05.04. 2019	<p style="text-align: center;">Circuit Bench of Calcutta High Court at Jalpaiguri</p> <p style="text-align: center;">W.P.A.50 of 2019</p> <p style="text-align: center;">Debasis Mallik & Ors. Versus The Election Commission of India & Ors.</p> <p>Mr. Sirsendu Sinha Roy.for the petitioners.</p> <p>Mr. Dipayan Chowdhury, Mr. Indranil Roy, Mr. Sanjit Kumar Dey.for the respondent no.1, 2 & 3.</p> <p>Let affidavit of service be kept with the record.</p> <p>It is submitted by the learned advocate representing the petitioners that pursuant to the previous direction deficit court fees has already been deposited in the department and entry number has been allotted to the petitioners as A-06.</p> <p>The grievance of the writ petitioners herein is that being the professors/assistant professors of a college in the district of Coochbehar, they were allotted the duty of Presiding Officer for the ensuing Parliamentary Election of 2019 without following the seniority considering the posts held by them which will compel them to discharge their election duties under the officers/employees subordinate to them in terms of the hierarchy of posts and in consideration of respective pay scales enjoyed by the petitioners vis-a-vis other officers/employees.</p>

[Signature]
19.07.19

by Office Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>The contention of the writ petitioners jointly canvassed in the writ petition is opposed by Mr. Roy, learned advocate representing the respondent nos.1, 2 & 3. He submits during the course of hearing that the Election Commission has taken all possible steps to follow the relevant notifications issued from time to time with regard to allotment of election duties to the writ petitioners and other officers/employees following the hierarchy of the posts held by them but considering the enormity of the job required to be exercised for conducting the Parliamentary Election there might be stray incidents which may offend the norms relating to allotment of election duty to the respective professors/assistant professors.</p> <p>It is also the submissions made on behalf of the Election Commission that at this stage when the election is scheduled to be held on 11th April, 2019, it is difficult for them to reallocate the assignment made in favour of the petitioners and other officers/employees.</p> <p>It is brought to the notice of the court that on similar circumstances a coordinate Bench of this court by passing an order dated 17th March, 2016 directed as follows :-</p> <p><i>"Having heard learned advocates for the appearing parties, there cannot be two opinions that the</i></p>

Done
19.07.19

by Office Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p><i>officers, in charge of conducting elections in the State, would leave no stone unturned to ensure a free and fair election as well as participation in the process thereof by teachers like the petitioners without violating their seniority position vis-à-vis their juniors. If at all any of the petitioners is subjected to any such violation, he shall be at liberty to take appropriate steps in accordance with law."</i></p> <p>Considering the order passed by the coordinate Bench dated 17th March, 2016 no further order need by passed in this writ petition save and except directing the respondent Nos.1, 2 & 3 herein to take steps if possible, in terms of the direction already given by the coordinate Bench in the order dated 17th March, 2016 for the purpose of allotting election duty in favour of the petitioners maintaining the hierarchy of posts held by them as well as taking note of the pay scales enjoyed by them.</p> <p>Those writ petitioners who failed to participate in the training programme organized by the Election Commission will participate in the training programme to be organized by the concerned authority of the Election Commission and it is submitted on behalf of the writ petitioners that they are willing to participate in the training programme to be organized under the aegis of the Election Commission and they will be allotted election duty in terms of the directions and</p>

82
19.07.19

by Office Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>observations made above.</p> <p>Accordingly, this writ petition is disposed of.</p> <p>There shall be no order as to costs.</p> <p>Despite service no one appears on behalf of the State respondents, Bikramaditya Ghosh, learned advocate is requested to appear on behalf of the State respondents and his engagement is directed to be regularized by the office of the learned additional government pleader.</p> <p>Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocates appearing for the parties on compliance of all requisite formalities.</p> <p style="text-align: right;"><u>Sd- SAUGATA BHATTACHARYA. J.</u> (Saugata Bhattacharyya, J.)</p>

10.4.19

Sd- [Signature]

District - Coochbehar

Through—
Srisunder Sinha Roy
Advocate

In the High Court at Calcutta
Constitutional Writ Jurisdiction

Appellate Side

WPA 56/2019
Jalpaiguti

W. P. No. 7151 (W) of 2019

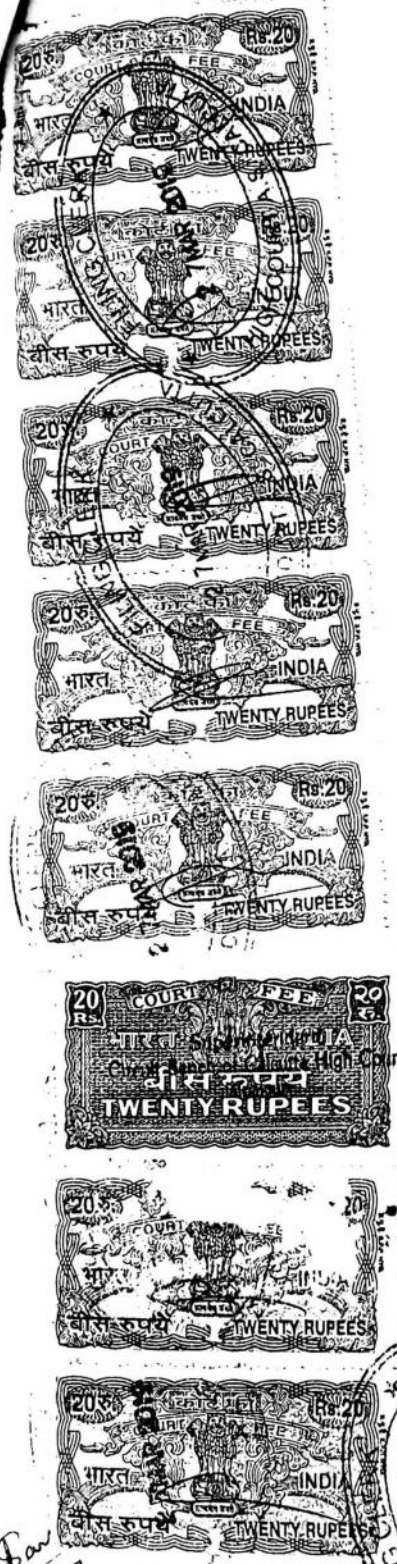
In the matter of:

An application under Article 226 of
the Constitution of India;

-And-

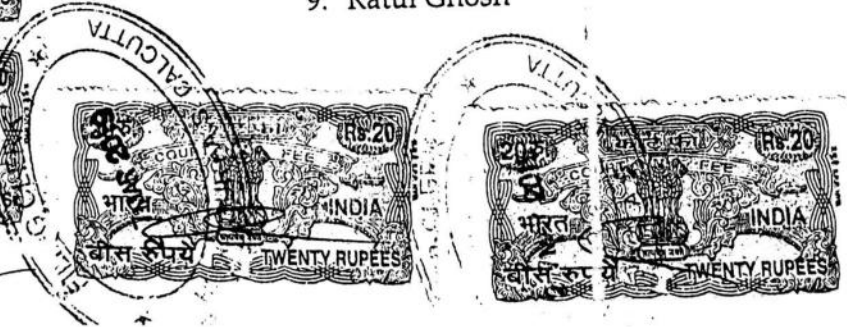
In the matter of:

1. Alokmay Basu
2. Animesh Mandal
3. Shyamal Das
4. Partha Sarathi Aicl
5. Arpan Roy Prama ik
6. Arka Acharyee
7. Binod Chandra Sharma
8. Durbadal Mandal
9. Ratul Ghosh



14992

Done
19/07



10. Partha Das
11. Md. Tusif Sk.
12. Dilip Kumar Das
13. Arup Das
14. Biplab Kumar Mandal
15. Tridib Chakraborty
16. Partha Sarathi Debnath
17. Prabir Banerjee
18. Pritesh Chandra Biswas
19. Mrinal Kanti Basak
20. Debojyoti Dutta
21. Debapratim Chakraborty
22. Dibyatanu Dasgupta

All are working for gain at the ABN
Seal College, Coochbehar, P.N. Road,
Coochbehar, P.O. and District
Coochbehar, PIN - 736101;

.....Petitioners

-Versus-

1. The Election Commission of
India, service through the Chief

Election Commissioner, having office
at Nirvachan Sadan, New Delhi -
110001;

2. Chief Election Commissioner,
Election Commission of India,
having office at Nirvachan Sadan,
New Delhi - 110001

3. The Chief Electoral Officer,
West Bengal, 1, N. S. Road, Fairley
Place, Kolkata - 700001;

4. The District Magistrate and
District Election Officer, Coochbehar,
PIN 736101;

.....Respondents

Per

5

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
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2 akb	16.4.19 Ct. No. 2		
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**Circuit Bench of Calcutta High Court
at Jalpaiguri**

W.P.A. 56 of 2019

Alokemoy Basu & Ors.

-Versus-

The Election Commission of India & Ors.

Mr. Sirsendu Sinha Roy
Mr. Bijoy Bikram Das

...For the Petitioners

Since, the cause for which the writ petition was filed does not exist any more, in view of the fact that the election process has already started. The writ petition has become infructuous.

Accordingly, the writ petition is dismissed as infructuous

Sd/- SAHIDULLAH MUNSHI
(Sahidullah Munshi, J.)

Dismissed

Parkar
19.07.15

WEST BENGAL STATE ELECTION COMMISSION
18, Sarojini Naidu Sarani
(Rawdon Street)
Kolkata – 700 017
Ph. No. 2280-22892320; FAX- 2280-7373

✓ No.1614(20)-SEC/IV-21/2018

Date :10/05/2018

From : The Secretary
West Bengal State Election Commission

To : The District Magistrate
&
District Panchayat Election Officer (all Districts)

Sub: Assigning election duties i.e.w. PGE-2018.

Ref.: No 464/Misc./2018/EPS/155 dt 26/4/2018,

No. 39/ECI/LETT/TERR/ES-II/WB/2018/860 dt. 23/4/2018

Madam/Sir,

I am directed to inform you that, seniority of officials should properly be taken care of, while giving election related duty and it should be ensured that a senior official is not put on duty under an official who is quite junior to him/her.

Yours faithfully,


Secretary

West Bengal State Election Commission

No.1614/1/(3)-SEC/IV-21/2018

Date :10/05/2018

Copy forwarded for information to:-

1. Sirshendu Singha Roy, Advocate, High Court Calcutta, Bar Association, Room No-15
2. Sablu Barman, Convenor, WBCUPA, CBPBU, Coochbehar-736101
3. Diamond Harbour Women's University, Sarisha, DH Road, S 24 pgs-743368


Secretary

West Bengal State Election Commission