

03.06.2024

Suppl. 4
Ct.No. 5
K.B/
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 15200 of 2024

Dr. Rathin Chakraborty

Vs.

The Election Commission of India and Ors.

Mr. Nilanjan Bhattacharjee
Mr. Shankar Prasad Dalapati
Mr. Ajit Kumar Mishra
Mr. Sudip Pallit
Mr. Brojesh Jha
Mr. Abhishek Dey
Mr. Bhishma Pratap Singh

...for the petitioner

Mr. Anuran Samanta

...for the ECI

The petitioner seeks for a direction upon the Election Commission of India not to engage contractual, casual, anganwari workers, para teachers and civic volunteers as counting personnel on the day of counting of votes of Parliament General Election, 2024 on 4th June, 2024.

In support of the submission that the aforesaid category of persons cannot be engaged for counting, reliance has been placed on the Handbook of Returning Officer, 2023, Clause 15.7, Edition II page-203 published by the Election Commission of India. Reliance has also been placed on Section 159 of the Representation of the People Act, 1951.

Learned advocate representing the Election Commission of India files a report and submits that steps have taken to engage counting officials strictly as per the guidelines laid down by the Chief Electoral Officer, West Bengal and as per the order of the Election Commission of India.

It has mentioned that apart from the persons indicated in the guidelines of the Election Commission of India and the Chief Electoral Officer, West Bengal, supporting team may be engaged to perform works like 1) Computer Compilation 2) ENCORE Compilation 3) Photocopies Staff 4) Statutory Paper Sealing Staff 5) Staff for providing refreshment 6) Providing essential services etc.

All the persons who will be deployed for the supporting work to be done will be issued ID Card specifically mentioning their assigned duty on the date of counting and they will not have direct access to the counting table.

A list has been placed before this Court by the learned advocate representing the Election Commission of India signed by the District Magistrate and the District Election Officer, Howrah, containing the names of the respective

Assistant Returning Officers for DC/RC counters.

Clause 15.7.8 of the Handbook relied upon by the petitioner clearly mentions that the staff of the local bodies should not be appointed for counting of votes and the returning officer should not appoint any person as counting staff who has been employed on or on behalf of or has been working for a candidate in an election.

As the instant writ petition revolves around a free and fair counting process of the Parliamentary General Election, 2024, accordingly, the Election Commission of India is directed to ensure that the counting staff is appointed strictly in terms of the guidelines prescribed by the Chief Electoral Officer, West Bengal, vide No. 2777(24)-Home(Elec.) dated 2nd May, 2024.

The writ petition being WPA 15200 of 2024 stands disposed of.

All parties are to act in terms of the server copy of this order duly downloaded from the official website of this Court.

Urgent certified photocopy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Amrita Sinha,J.)