

17.06.2026
Sl. No.37
Ct. No.6
gd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA/928/2026
AKASH SARKAR
VS
UNION OF INDIA AND ORS.**

Mr. Biproyoti Bhowmik
Ms. Rachana Saha
...for the Petitioner.

Mr. Sudipto Mazumder, ld. DSGI (VC)
Mr. Tridip Saha
Mr. Sourab Kar
...for the Union of India.

Ms. Anamika Pandey (VC)
Ms. Amrita Pandey
Ms. Madhushri Dutta
Ms. Bipasha Mrug
...for ECI.

Mr. Jagriti Mishra, ld. AAAG
Ms. Radhika Agarwal
...for the State.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks order requesting the Hon'ble Presiding Officer of the SIR Appellate Tribunal for District of Cooch Behar to dispose of the appeal of the petitioner being No. APS2501G010426285166 dated 1st April, 2026 and his father Faruk Sarkar's Appeal being No.APS2501G020426203080 dated 2nd April, 2026 as expeditiously as possible

and also directing respondent no.9, Superintendent of Police, Cooch Behar through the District Intelligence Branch and Officer-in-Charge, Pundibari Police Station under his superintendence to dispose of the petitioner's pending Police Clearance Certificate (in short PCC) application on its own merits.

3. Mr. Biproyoti Bhowmik, learned advocate appearing for the petitioner submits that the petitioner participated in recruitment rally for appointment as Agniveer in the Indian Army and was declared successful. In order to join such service the petitioner has to submit PCC with the validity of six months. Prior to making application for appearing in the examination, the petitioner submitted PCC dated 15th November, 2025. However, subsequent to the same, since the name of the petitioner has been deleted from the voters list by the operation of SIR, police is withholding to issue PCC. The deletion from the voters list upon exercise of SIR has no bearing so far as the citizenship is concerned. He relies on the decision of Hon'ble Supreme Court passed in ***Association for Democratic Reforms & Ors. v. Election Commission of India &***

Ors. (Re: Writ Petition (Civil) No.640 of 2025) as well as order dated 24th April, 2026 passed by Hon'ble Supreme Court in **Mostari Banu v. The Election Commission of India & Ors. (Re: Writ Petition (Civil) No.1089 of 2025)**. He further submits that the petitioner and his father Faruk Sarkar has already filed SIR Appeals before the SIR Appellate Tribunal which is pending adjudication. He seeks for expeditious disposal of the SIR Appeal.

4. Mr. Jagriti Mishra, learned Assistant Additional Advocate General representing the State submits that until and unless the SIR Appeal is decided, the police authority cannot issue such PCC. Therefore, the appeal before the SIR Appellate Tribunal needs to be decided at the first instance. He also informs this court that the appeals are being regularly disposed of by the Tribunal.
5. Ms. Anamika Pandey, learned advocate appearing for Election Commission of India submits that the SIR-Appellate Tribunal may be requested to dispose of the SIR Appeal of the petitioner and his father as expeditiously as possible. To buttress her contention she relies on the decision of Coordinate Bench of this court passed in

Akul Sk v. Election Commission of India
(Re: WPA 10421 of 2026).

6. Admittedly, the name of the petitioner and his father has been deleted during SIR process. Against such deletion appeals have been filed by the petitioner and his father Faruk Sarkar being appeal being No. APS2501G010426285166 and appeal No. APS2501G020426203080 respectively before the SIR Appellate Tribunal which is pending. The petitioner has applied for getting PCC on 3rd June, 2026. It is assured by learned Assistant Additional Advocate General that as soon as such SIR Appeal is disposed of, PCC would be issued expeditiously in accordance with law after proper verification.
7. In view of such submissions, the writ petition being **WPA 928 of 2026** is disposed of requesting the SIR Appellate Tribunal to dispose of the appeal of the petitioner being No. APS2501G010426285166 dated 1st April, 2026 and his father Faruk Sarkar's Appeal being No. APS2501G020426203080 dated 2nd April, 2026 as expeditiously as possible.

8. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
9. Interim order, if any, stands vacated.
10. All connected applications, if any, stand disposed of.
11. There shall be no order as to costs.
12. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
13. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)