

WPA(P) 271 of 2021
With
CAN 3 of 2022
Mousumi Roy
Vs.
West Bengal State Election Commission & Ors.
With
WPA(P) 299 of 2021
With
CAN 2 of 2021
Pratap Banerjee
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Akashdeep Mukherjee
Mr. Pintu Karar

... .. for the petitioner in WPA(P) 271 of 2021

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... .. for the petitioner in WPA(P) 299 of 2021

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... .. for the State Election Commission

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... .. for the State

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Mr. Vipul Kundalia

... .. for the Union of India

Mr. Anuran Samanta

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

In Re.: CAN 3 of 2022

This application has been filed seeking modification of the order dated 10.02.2022 so far as it relates to the direction to the Election Commission to hold the joint meeting with the Chief Secretary of the State and other authorities for the purpose of taking a decision regarding deployment of the Paramilitary Forces in the forthcoming Bidhannagar Municipal Corporation elections.

Learned counsel for the applicant has placed reliance upon the observations made by the Division Bench of this Court in paragraphs 14 and 15 of the order dated 28th September, 2021 in WPA (P) 245 of 2021 about the conduct of the Chief Secretary of the State in sending certain communications to the Election Commission at that stage and has submitted that Election Commission should not hold the consultation with the Chief Secretary.

We have perused the observations made by the Court relating to the communication sent by the Chief Secretary stating about the constitutional crisis in not holding the by-election to the Bhabanipur Constituency during the relevant point of time. Division Bench at that time had not approved the conduct of the Chief Secretary.

By the order dated 10.02.2022 this Court has directed the State Election Commission to take a decision about the deployment of Paramilitary Forces by holding a joint meeting with the Chief Secretary and Home

Secretary of the State, Director General and Inspector General of Police after assessing the ground situation.

Hence, having regard to the nature of direction which has been issued by this Court, we are of the opinion that no modification of the order of this Court is required on the basis of the observations made by the earlier Division Bench in the order dated 28.09.2021 in WPA (P) 245 of 2021 in respect of the Chief Secretary of the State.

Accordingly, CAN 3 of 2022 is dismissed.

List on 15th February, 2022.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)