

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/86/2026

Smt. Marani Das

Vs

The Honorable Lieutenant Governor and others

Mr. Lokesh Chezian N. ... For the Petitioners

Mr. Rakesh Kumar ... For the Respondent.

February 25, 2026

[AKB]

Item No. 4

1. This instant writ petition has been filed by the writ petitioner, being one of the candidates for the election of the Managing Committee of Consumers Co-Operative Stores Ltd, Sri Vijaya Puram, seeking direction upon the respondent inter alia as follows:-

- i. To do and to proceed in accordance with law;
- ii. To set aside and quash the impugned Letter dated 17.02.2026, passed by the Returning Officer, Additional District Magistrate, South Andaman.
- iii. To re-hear the proceedings by directing respondent No.4 to afford the reasonable opportunity of hearing to the petitioner.

2. It is the specific case of the writ petitioner that she, along with 9 others, applied for, and submitted a letter to the Returning Officer, requesting three symbol choices, i.e. Coconut Tree, Gas Cylinder, and Ship. The returning officer had pulished the list of contesting candidates with allotted

symbol (Coconut Tree), wherein the name of the writ petitioner was appearing at Serial No.7 in South Andaman; as such she applied before the Returning officer to either shift the name of the writ petitioner from individual (South Andaman) to Women Reserved Category or allow the Writ petitioner to withdraw her nomination as there are only 6 seats for individual (south Andaman) and as per the allotted symbol of Coconut Tree there are 7 persons which deleted to disqualification of entire voting process a futile exercise.

3. The returning officer had rejected her prayer, contending therein that such prayer cannot be permitted beyond the time stipulated in the approved election programme; as such, she was compelled to file this writ petition.

4. Learned counsel for the petitioner herein submits that the impugned rejection of prayer made by the petitioner is not sustainable in law since it was passed without giving any opportunity of hearing and without giving notice most hastily. The Returning Officer should have either allotted a separate symbol or allowed her to withdraw her nomination, but denied both her prayers. As such, the same is liable to be set aside.

5. Per contra, Learned counsel appearing on behalf of the Respondent submits that she herself and the other 9 candidates applied for allotment of the same and similar symbol for contesting the election and when it was allotted she made a prayer for change of her symbol or withdraw of nomination papers after date and time fix for withdrawal On

13.02.2026. Furthermore, it is further submitted that the writ petition is not maintainable, since the election of the Managing Committee of Consumers Co-Operative Stores Ltd, Sri Vijaya Puram, is already over, and 28.02.2026 has been fixed for declaring the result.

6. Having heard the submissions and upon perusal of the record, this Court does not find any illegality or perversity in the rejection of her prayer since the choice of constituency and preference of election symbols, whether contesting individually or as a group, are decisions solely within their domain and responsibility of the candidates concerned. The Returning/Election officers have no role in such decisions.

7. In addition, the relevant rules governing the election process do not provide for the shifting of candidates from one constituency to another after submission of nomination, nor do they permit withdrawal of nomination beyond the prescribed time stipulated in the approved Election programme. The election is already over, and the date for declaring the final result has also been fixed on 28.02.2026. The Writ petitioner ultimately participated in the election.

8. In the above backdrop, the writ petition is devoid of merit, and accordingly, the same being No. WPA/86/2026 is dismissed. Consequently, all connected pending application, if any, is also dismissed.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)