

**RAISINA BENGALI SCHOOL SOCIETY (REGD.): MANDIR MARG: NEW DELHI – 1**

**“OFFICE OF THE RETURNING OFFICER FOR ELECTION TO THE GOVERNING BODY  
FOR THE TERM 2022-2024”**

**PROCEEDINGS OF THE CONSIDERATION OF OBJECTION/S TO VOTER LIST**

**New Delhi, 1<sup>st</sup> September, 2022**

It is observed from the records that some objections have been received from various members of the General Body of the Society. The same are discussed and disposed off in accordance with the facts and Fundamental Rules of the Society as prescribed in its Constitution.

1. A mail has been received from Mr. Mrinal Kanti Roy dated 28/08/2022 at 12:24 pm for inclusion of his name in the voter list. He had submitted his form dated. 27/06/2022 online. On verifying his claim stands correct, the omission of his name is an error and the same has been corrected and his name is dully included in the Voter List against Voter Sl. No. 1758.
2. A mail dated. 29/08/2022 at 12:35 pm has been received for correction of address of Mr. Swapan Kumar Ganguly bearing Voter Sl. No. 2204. His request for addition of his new address which is A-202, ISPATIKA APPARTMENT, PLOT NO 29, SECTOR-4, DWARKA, NEW DELHI-110078 has been updated in the Voter List.
3. Duly filled-in and signed Verification Forms along with Supporting Documents were received from Mr. Sankar Kumar Adhikary, Mr. Jyotirmoy Mandal and Mr. Chira Ranjan Mitra by Speed Post on 29/07/2022, 28.07.2022 and 01.08.2022, respectively; in the Society's Office. But, due to inadvertent oversight, their names have not been included in the Voter List. As per records, the omission of their names is an error and the same has been corrected and their names are dully included in the Voter List against Voter Sl. No. 1757, 3629 and 3630.
4. A letter dated 28.08.2022, enclosed with duly filled-in and signed Verification Form and supporting document, has been received from Mr. Bijay Chandra Mandal, r/o E-222, Saraswati Kunj Aptt., 25, I.P. Extn., Delhi – 110092 by Speed Post on 30.08.2022. He has stated that he was out of station till 25.08.2022 and received the Verification Notice on 26.08.2022. On consideration of his request, we found merit in the case on humanitarian ground for him being a septuagenarian and he being the only case of delayed verification and as such, he should not be deprived of membership/ voting right. Accordingly, his name is included in the Voter List against Voter Sl. No. 1759.

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5. On further checking of the draft Voter List and verification records, it has come to the notice that the names of under-mentioned four (4) Donor members were left-out from the Voter List due to inadvertent oversight and accordingly, their names are hereby included in the Voter List against Voter Sl. Nos. mentioned against each.

Voter Sl. No. 3625: JAGDISH PANDAY

Voter Sl. No. 3626: RANJEET ROY

Voter Sl. No. 3627: RAJU ROY

Voter Sl. No. 3628: RISHI ROY

6. It has also been observed that in the List of Guardian members, duly certified by the Heads of the Schools, there was one typographical error of one name being repeated at Voter Sl. Nos. 1713 and 1759 (Student Name – CHANDRIKA SARKAR) and two rows, i.e., Voter Sl. Nos. 1757 & 1758 were left vacant. The deletion of these three Voter Sl. Nos. would have disturbed the entire sequence of the Voter List, henceforth these Voter Sl. Nos. have been utilized/ adjusted by insertion of three (3) Donor members vide Para. 1, 3 & 4 hereinabove.

7. It has been found that in the Guardian category, names of both father and mother are left blank in the draft Voter List against Voter Sl. Nos. 1103, 1158, 1161, 1496 & 1661. The same has been updated after obtaining necessary inputs from the Head of School concerned.

8. A mail has been sent by Mr. Devmoy on 29/08/2022 with regard to objecting to the voter list qua Voter Sl. No. 2179 to 3624 without assigning any reason/s for such objection and hence, it cannot be considered. However a letter is attached with the email and addressed to the Returning Officer containing his objections with regard to ensuring General Election notification on different grounds. He has also sent the same letter through post. In addition, a word to word similar letter has also been sent by Mr. Gautam Barman. Hence, the contents of both the letters are being discussed and disposed off in accordance with the verified facts and as per the Fundamental Rules provided in the Constitution of the Society.

At the outset, the tone and tenor of the afore-mentioned letters in the opening paragraph are inappropriate and factually incorrect. Further, to call the Society “Invalid” of which the objectors themselves are members by their own admissions, is completely irrational and beyond any logical understanding.

The contents of Para. 1 are beyond the mandate of the Returning Officer-cum-Election Observer and the same is referred to the Governing Body of the Society for consideration and appropriate action as per rules of the Society.

The contents of Para. 2 with respect to the Order passed by Ms. Twinkle Wadhwa, Ld. ADJ is misrepresentation of facts to the effect that the Governing Body Election 2018 was declared null and void ONLY for non-adherence to DOE Circular No. DDE/ACT/15/2004/9012-9026, dated 24.11.2004. On the contrary, it was one of the many grounds considered by the Hon'ble Trial Court for setting aside the Governing Body Election, 2018. On further examination, it has also been noticed that the Hon'ble Delhi High Court, in RFA No.321/ 2019 vide Order dated 06.05.2019 modified this particular aspect of the Trial Court Order. Further, the credentials of Ms. Chitra Maji, Secretary-Manager qua Governing Body membership had already been verified by the then Court –appointed Administrator-cum-Observer during the G.B. Election/ 2019-2021. It is very surprising that the objectors being the Plaintiffs in civil suits filed challenging the eligibility of Ms. Chitra Maji and other present Governing Body members are well aware of the orders passed by the Hon'ble Courts wherein neither any direction has been passed till date staying the earlier G.B. Election or restraining her appointment as the Secretary-Manager of the G.B. Even Order 39 R. 1 & 2 applications filed by the Objectors as Plaintiffs in various litigations have been dismissed by the Hon'ble Courts.

The contents of Para. 3 alleging the silent extension of date for verification of Donor etc. members are completely false, frivolous and baseless. It is a pious duty of the Returning Officer to verify the Voter List to complete satisfaction with fairness and transparency till the desired objective is achieved to a rational extent. Moreover, such extension of date was extensively circulated by publication in National and Regional Dailies (ENGLISH, HINDI & BENGALI) as well as by uploading on the Society's website.

The contents of Para. 4 are completely baseless and unfounded. The election process is being conducted scrupulously in accordance with Rule 27 and other applicable rule/s of the Fundamental Rules of the Society.

The blanket and bald objection to veracity of a large number of voters as contained in Para. 5, without any supporting assertions and/ or elaborations cannot be considered and hence, rejected.

The difference in the present Voter List with the previous Voter List/s, as stated in Para. 6, is the outcome of the extensive verifications carried-out prior to notification of the election and publication of the Voter List.

The point raised in Para. 7 regarding inclusion of names of Donor Members from various districts of West Bengal does not hold ground since there is no bar and/ or restriction in the Fundamental Rules of the Society against enrolment of members from outside Delhi as well as it is otherwise also natural and logical that persons from the state of West Bengal to become members of a Society with the primary aim and objective of propagation of Bengali education, literature and culture.

The contentions of Para. 8 have been considered and the relevant records/ documents of the Society have been checked and verified with regard to membership of the Donor members and no irregularity has been found.

The objection to inclusion of Mr. Chinmay Sarkar, a staff of Raisina Bengali School, C. R. Park in the election process in Para. 9 is uncalled for since he has not been assigned any election related duty and/ or responsibility by the office of the Returning Officer-cum-Election Observer.

9. A letter dated 31.08.2022 has been submitted by Mr. Gautam Barman and Mr. Devmoy, which is beyond the schedule for filing objection/s. Further, most of the points contained in this letter has already been elaborately discussed and decided in the foregoing paragraph. In the interest of natural justice, the Ld. Returning Officer-cum-Election Officer has decided to grant personal audience to the afore-mentioned objectors on 02.09.2022 at 5:00 P.M. The present proceedings are accordingly adjourned to 02.09.2022.

**Adjourned PROCEEDINGS OF THE CONSIDERATION OF OBJECTION/S TO VOTER LIST Dated**  
**01.09.2022 RESUMED on 2<sup>nd</sup> September, 2022**

10. In the meeting held with the objectors, namely Mr. Devmoy and Mr. Gautam Barman, along with Mr. Janmejy Das, Guardian Member in the office of Returning Officer in the premises of Raisina Bengali School, Mandir Marg, New Delhi; following points were raised by them and considered/ addressed by the Returning Officer-cum-Election Observer and A.R.O. & OSD as under.
  - i) Rule 27 of the Fundamental Rules: it was brought to the notice of the R.O. that as per Rule 27, the reply of the intimation letter/ Nomination Form should reach the Secretary-Manager within Seven (7) of receiving the same. It is found from the relevant records that as per Election Notice issued, the dates of dispatching the Intimations Letter/ blank Nomination Form are between 26.08.2022 and 28.08.2022 (three days required for booking 3624 letters through Speed Post). Whereas, the last date for receiving the Nomination Forms from willing members/ voters as per the Election Notice is 06.09.2022 thus providing them with adequate time for sending back the Nomination Forms as prescribed under the rules of the Society. However, in order to ensure maximum possible time to the willing members for filing nominations, it is hereby decided to extend the last date for filing Nomination Forms till 08.09.2022/ 3:00 P.M.
  - ii) Next contention raised was about the sequence of procedural steps in the Election Notice. The objection is unfounded as the change in sequence in the Election Notice with that of the Fundamental Rules is on account of keeping the sequence in logical and chronological order.

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- iii) Another contention raised by the objectors was that the verification of voters/ members could be carried-out by the Secretary-Manager, Governing Body only and they also leveled unsupported allegations against the incumbent Secretary-Manager. As a matter of fact, the Secretary-Manager on behalf of the Governing Body has the power to appoint a Returning Officer for conducting the elections. Verification of electoral rolls is the first and foremost pre-requisite for conduct of any free and fair election and the Returning Officer being neutral authority can do the same and Rule 28 of the Fundamental Rules also provides to that effect.
- iv) The objectors orally submitted that all new Donor Members are bogus without being able to assign any ground and/ or reason for such a claim. They also submitted that new Donor members were added without consulting the Secretary, P.T.A., but again they were unable to cite any rule in support of their claim. On the contrary, as per relevant records, i.e., verification documents submitted by such Donor members as well as their original request letters with Identity Proofs and donation receipts available in the Society office, which have been physically checked and re-checked post 31.08.2022 by the A.R.O. & O.S.D.; the authenticity of such Donor members stands established. Hence, both the afore-stated contentions are rejected in absence of any substance and/ or merit.

The meeting was video-graphed with advance intimation to the objectors/ member in order to ensure complete transparency.

**11.** In conclusion, after consideration of the proceedings of both the days as elaborated hereinabove, the final Voter List containing 3630 names is hereby approved and ordered to be published. Further, in view of the deferment of the finalization of the proceedings of the objections to the draft Voter List as desired by the Ld. Returning Officer-cum-Election Observer with the aim and object of drawing-up a flawless and genuine Voter List, more so after taking in to consideration and decide on the last minute apprehensions/ allegations regarding the fresh Donor members raised by the aforementioned three members of the Society; the schedule notified vide Election Notice dated 26.08.2022 stands partially modified as follows.

Sl. No. 5. Publication of Final Voter List:	04.09.2022 at 3:00 P.M.
Sl. No. 6. Issue of Addl. Nomination Forms:	04.09.2022 (4:00 PM – 6:00 PM)
Sl. No. 7. Last Date for Receipt of Nomination Forms:	08.09.2022 TILL 3:00 PM
Sl. No. 8. Date of Display of Nominations Received:	08.09.2022 AT 5:00 PM
Sl. No. 9. Last Date for Withdrawal of Nomination:	09.09.2022 till 2:00 PM
Sl. No. 10. Scrutiny of Nominations & Display of Final LOC:	09.09.2022/ 3 PM onward

**(MANISH PRATAP SINGH CHAUHAN)**  
**A.R.O. & OSD**

**(RAJ KUMAR CHAUHAN), District Judge/ Retd.**  
**RETURNING OFFICER-CUM-ELECTION OBSERVER**