

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 1089/2025

MOSTARI BANU

Petitioner(s)

VERSUS

THE ELECTION COMMISSION OF INDIA & ORS.

Respondent(s)

(IA No. 287398/2025 - GRANT OF INTERIM RELIEF)

WITH

W.P. (C) No. 126/2026 (PIL-W)

(IA No. 32266/2026 - EXEMPTION FROM FILING O.T.)

W.P. (C) No. 129/2026 (PIL-W)

W.P. (C) No. 737/2025 (PIL-W)

(IA No. 27103/2026 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 1908/2026 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 27104/2026 - EXEMPTION FROM FILING O.T., IA No. 303592/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION and IA No. 183939/2025 - STAY APPLICATION)

W.P. (C) No. 1074/2025 (PIL-W)

(IA No. 26838/2026 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 1884/2026 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 26839/2026 - EXEMPTION FROM FILING O.T., IA No. 303210/2025 - STAY APPLICATION and IA No. 284001/2025 - STAY APPLICATION)

W.P. (C) No. 1088/2025 (PIL-W)

(IA No. 287351/2025 - STAY APPLICATION)

W.P. (C) No. 1216/2025 (PIL-W)

(IA No. 317082/2025 - CLARIFICATION/DIRECTION)

W.P. (C) No. 159/2026 (PIL-W)

W.P. (C) No. 119/2026 (PIL-W)

(IA No. 30760/2026 - EARLY HEARING APPLICATION, IA No. 30759/2026 - GRANT OF INTERIM RELIEF and IA No. 30347/2026 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 20-02-2026 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) : Ms. Sanjana Saddy, AOR
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Mr. Surya Kiran Singh, Adv.
Mr. Aviral Jain, Adv.
Ms. Ayesha Khan, Adv.
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Mr. Amales Ray, Sr. Adv.

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Mr. Saurabh Bhushan, Adv.
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Petitioner-in-person

For Respondent(s) : Mr. Dama Seshadri Naidu, Sr. Adv.
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Mr. Raman Yadav, Adv.
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Ms. Ameyavikrama Thanvi, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Arvind Kumar Sharma (aor), Adv.

Mr. Barun Kumar Sinha, Adv.
Mrs. Pratibha Sinha, Adv.
Mr. Sneh Vardhan, Adv.
Mr. Rakesh Mudgal, Adv.
Mr. Chhail Bihari Singh, Adv.
Mr. Pankaj Kumar Shukla, Adv.
Mr. Ritu Raj, Adv.

Mrs. Kanika, Adv.
Mr. Vaibhav Singh, Adv.
Mr. Anantha Narayana M.G., AOR

For Intervenor: Mr. Dipankar Rai, Adv.
Mr. Kanishk Sinha, Adv.
Ms. Lipika Das, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. The foremost urgent issue that has arisen for our consideration concerns the completion of the ongoing Special Intensive Revision (SIR) in the State of West Bengal. Various interim directions have been issued from time to time, including those contained in our last order dated 09.02.2026.
2. There seems to be an unfortunate blame game that has since permeated this issue, with allegations and counter-allegations clearly depicting a case of trust deficit between two Constitutional functionaries, namely, a democratically elected State Government and the Election Commission of India (ECI). The stage where the process is now stuck relates to the adjudication of claims and objections of the persons who have been included in the "logical discrepancy/unmapped category". Most of the persons to whom notices under this category were issued have submitted their documents in support of their claims for inclusion in the voter list. These claims are required to be adjudicated, in a way, through a quasi-judicial process by the EROs. In terms of the rules, practice and convention, the State Government is obligated to provide Group A officers to perform the duties of the EROs, who are in the substantive rank of SDOs/SDMs.

3. That being so, there seems to be a serious dispute between the parties with respect to the substantive/actual rank and status of the officers who have been provided by the State Government for the performance of the duties as EROs and AEROs. It is, however, nearly impossible for this Court to determine the prescribed rank and status of the officers or officials now deployed with the ECI by the State Government.

4. Be that as it may, to ensure fairness in the adjudication of the genuineness of the documents relied upon and the consequential determination for inclusion or exclusion from the voter list, as agreed by both sides, we are left with hardly any other option but to request Hon'ble the Chief Justice of the High Court at Calcutta to spare some serving judicial officers, along with some former judicial officers of impeccable integrity in the rank of District Judges/Additional District Judges, who can then, in each district, be requested to revisit and dispose of the pending claims under the category of "logical discrepancy/unmapped category". Each such judicial officer/former judicial officer shall be assisted by micro-observers from the side of the ECI and by officers of the State Government who have already been deputed by the State to perform or assist in such duties.

5. The circumstances, being extraordinary, the request for entrustment of the responsibility to the judicial officers/former judicial officers is also of an extraordinary nature. We remain conscious of the fact that it may, for a few days, have an impact on the pending court cases also. In this regard, we request that Hon'ble the Chief Justice, with the assistance of a committee of

Judges, Registrar General and the Principal District Judges, evolve some interim arrangement for shifting of matters of interim relief or of urgent nature to alternative courts for a week/ten days, within which this entire process is scheduled to be completed.

6. It goes without saying that every Collector and every Superintendent of Police shall be obligated and is hereby directed to directly render assistance and provide all kinds of logistic support to the presiding judicial officers and their team for the purpose of smooth completion of the pending process. For this purpose, the Collector and the Superintendent of Police shall be under deemed deputation for the purpose of ensuring forthwith compliance with the directions that may be issued from time to time.

7. In other words, every direction or order that may be passed by the judicial officers/former judicial officers shall be deemed to be a direction issued by this Court, and the State Government/District Administration shall be obligated to comply with the same forthwith to ensure the timely completion of the process.

8. Since the modalities will have to be evolved at the High Court level, we direct the Chief Electoral Officer along with one authorized senior officer of the ECI, Chief Secretary, Director General of Police of the State Government and in the presence of learned Advocate General of the State and learned Additional Solicitor General in Calcutta High Court to hold a meeting with Hon'ble the Chief Justice tomorrow itself i.e., 21.02.2026, as per his convenience. They shall utilize this opportunity to submit their respective proposals on how to resolve the stalemate and

complete the pending process.

9. The mechanism to be evolved shall be left entirely to the discretion of Hon'ble the Chief Justice of the High Court. Our only anxiety is that the work should commence and be completed smoothly, without any hindrance, as early as possible and in a time-bound manner. The process, to the extent it gets completed by 28.02.2026, may be published; however, that will not be taken as a final publication. It is to be construed as an ongoing process till it is finally completed in a time-bound manner, and subsequently, a supplementary list can be added. All other ancillary issues that have been raised before us or that may arise during the process shall also be determined by the Presiding Officers to be selected by Hon'ble the Chief Justice of the High Court.

10. As regards direction No. (vii) of paragraph 6 of the order dated 09.02.2026, we are informed that the State Police has taken no action in respect of some specific instances brought into notice by the ECI or other complainants. We, therefore, would like the Director General of Police to file a supplementary affidavit giving full details of the complaints received so far and the action taken thereupon. The affidavit will also address any complaints that may be received in the meantime.

11. These directions have been issued in extraordinary circumstances invoking our powers under Article 142 of the Constitution.

12. List on 10.03.2026.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR