

WEST BENGAL STATE ELECTION COMMISSION
18, Sarojini Naidu Sarani, (Rawdon Street)
Kolkata-700 017
Ph.: 2280-5277; FAX- 2280-7373
Email: sec-wb@nic.in

No. 355(22)-SEC/6D-12/2023

Date: 12.04.2023

From : The Secretary
West Bengal State Election Commission

To : The District Panchayat Election Officer
&
District Magistrate
Alipurduar/ Bankura/ Birbhum/ Cooch Behar/ Dakshin Dinajpur/ Darjeeling/ Hooghly/
Howrah/ Jalpaiguri/ Jhargram/ Kalimpong/ Malda/ Murshidabad/ Nadia/ North 24-Parganas/
Paschim Medinipur/ Purba Medinipur/ Purba Bardhaman/ Paschim Bardhaman/ Purulia/
South 24-Parganas/ Uttar Dinajpur

Sub: Eligibility and ineligibility for candidature in connection with Panchayat General
Elections, 2023

Madam/ Sir,

I am directed to state that the eligibility and ineligibility for candidature is generally followed as per provisions contained in the West Bengal Panchayat Act, 1973, the West Bengal Panchayat Elections Act, 2003 and the West Bengal Panchayat Elections Rules, 2006.

Any person, who has attained the age of twenty-one years and is an elector of the area contained in the Gram Panchayat/ Panchayat Samiti/ Zilla Parishad/ Mahakuma Parishad concerned, shall be qualified for being chosen to fill a seat in the Panchayat, provided that he is otherwise qualified to be a candidate as per Sections 4, 5 and 6 of the West Bengal Panchayat Elections Act, 2003 read with Rule 30 of the West Bengal Panchayat Elections Rules, 2006 and is not disqualified to be a candidate under Sections 7 and 8 of the West Bengal Panchayat Elections Act, 2003, read with Sections 8, 97, 142 and 185B of the West Bengal Panchayat Act, 1973 and Rule 30 of the West Bengal Panchayat Elections Rules, 2006.

However, for convenience, a few specific cases are given below, which are illustrative but not exhaustive. It may be borne in mind while deciding the eligibility or ineligibility of a candidate, each case including those given hereunder will have to be tested so that (i) the decision conforms to the provisions of the Acts & Rules and (ii) the service regulations for that particular position do not bar the candidature.

I. Persons eligible to contest in Panchayat Elections:

a)	Instructors of Child Education Centre	-	They are eligible to contest as they are neither employees of the State Government nor of the Panchayat but work on a part time basis on an agreement with a Local Organizing Committee.
b)	Instructors of Child Labour School	-	They are eligible to contest on the same grounds as above.
c)	Community Health Guides	-	They are eligible to contest as they are not regular employees under the State Government or under any rule making authority of the State Government and work on a fixed monthly remuneration.
d)	Anganwadi Workers and Helpers	-	They are eligible to contest as they merely receive honorarium from the Government. They are not Government Servants and cannot be said to hold any office of profit under the Government.
e)	ASHA Karmee	-	They are eligible to contest in terms of clarification by P&RD Department, vide no. 212/SS/PN/O/1E-6/12(Part-1) dated 01.06.2013.
f)	Primary School Teachers & High School Teachers	-	They are eligible to contest.
g)	Para teachers	-	They are eligible to contest.
h)	Contractor working with Zilla/ Mahakuma Parishad/ Panchayat Samiti/ Gram Panchayat	-	In the case of any contractor having subsisting contract with a particular Zilla/ Mahakuma Parishad/ Panchayat Samiti/ Gram Panchayat for execution of any work, he shall not be eligible; provided that if on the date of filling of nomination such contracts do not subsist for any valid reasons such as legal termination of the contracts, completion of work, shall be eligible.
i)	Contractor working with PWD or any other department of the State Government	-	They are eligible to contest as there is no bar for candidature against persons having contractual obligation with the State Government in any department; provided that the contractor is not working with a particular Zilla/ Mahakuma Parishad/ Panchayat Samiti/ Gram Panchayat.
j)	Employees of Electricity Boards under the State Government	-	They are eligible to contest provided that there is no restraining order imposed by the respective Boards.
k)	Tax defaulter with either the Government or the Panchayat	-	They are eligible to contest as there is no contravening provision in the extant Acts and Rules.
l)	Sishu Siksha Sahayak or Sahayikas etc. under Shishu Shiksha Karmashuchi (SSK) and similar functionaries under Madhyamik Shiksha Karmashuchi (MSK)	-	They are eligible to contest as they are in relationship with the Managing Committee concerned and not with any Panchayat body.

m)	Professors, Assistant Professors, Lecturers, Guest Lecturers, Readers of Govt. aided colleges	-	They are eligible to contest, provided that they are not working in Government colleges.
n)	Civil Defence Volunteers	-	They are eligible to contest, provided that there is no bar in regulations governing their service.
o)	Gram Panchayat Resource Persons (GRP), Village Resource Persons (VRP), District Resource Persons (DRP)	-	They are eligible to contest, provided that there is no bar in regulations governing their service.
p)	Employee of Municipality or Municipal Corporation	-	They are eligible to contest.
q)	Community Service Provider (CSP)	-	They are eligible to contest, provided that there is no bar in regulations governing their service.
r)	Bare Foot Technician (BFT) engaged under MGNREGS	-	They are eligible to contest as they are neither regular not part time employee of any Gram Panchayat and they do not receive any remuneration or salary from the Gram Panchayat.
s)	Supervisor under MGNREGS	-	They are eligible to contest as they are in no contractual agreement with any tier of panchayats.
t)	Office bearer of Sangha under Anandadhara/ NRLM	-	They are eligible to contest as they do not receive any remuneration or salary from any tier of panchayats and they are in no contractual agreement with any tier of panchayats.

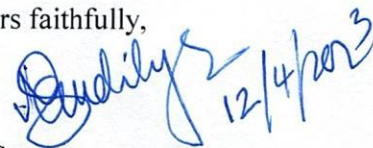
II. Persons not eligible to contest in Panchayat Elections:

a)	Panchayat Tax Collectors:	-	They are not eligible to contest in any of the three tiers of a Panchayat as they are in contractual obligation with the Gram Panchayat.
b)	Contractual Staff of PRI	-	They are not eligible to contest in any of the three tiers of a Panchayat as they are in contractual obligation with the Gram Panchayat.
c)	MR Dealer:	-	An MR Dealer in the capacity of MR Dealer is eligible to contest; provided that if such MR Dealer is also a GR Dealer or Mid-day Meal storing agent working under the orders and directions of the Panchayat, he is not eligible to contest.
d)	Home Guard	-	They are not eligible to contest since they are Government employees.
e)	Civic Volunteer		They are not eligible to contest as they are contractual staff of the Government.
f)	Gram Rozgar Sevak	-	They are not eligible to contest as they are contractual staff under MGNREGA.
g)	Village Level Entrepreneur (VLE)	-	They are not eligible to contest as they are contractual staff under MGNREGA.
h)	Skilled Technical Person (STP)	-	They are not eligible to contest as they are contractual staff under MGNREGA.

i)	Siksha Bandhu	-	They are not eligible to contest as they are contractual staff under the Education Department.
j)	ANM-I & ANM-II	-	They are not eligible to contest as they are either full time or contractual employees for emergency services in Health Centre.
k)	Youth Volunteer	-	They are not eligible to contest as they are contractual staff of the Government.
l)	Block Level Facilitator (BLF)	-	They are not eligible to contest as they are contractual staff of the Government.
m)	Contractual Medical Officer under BMOH	-	They are not eligible to contest as they are contractual staff of the Government.
n)	Employees under NHM		They are not eligible to contest as they are contractually engaged in NHM and their remuneration is drawn from NHM fund of the Government of India and the State Government.
o)	Gram Computerised Panchayat Accounts Assistant (GPCAA)	-	They are not eligible to contest as they are contractual staff under the Government.
p)	Contractual Group-D of Govt. of West Bengal	-	They are not eligible to contest as they are contractual staff of the Government.
q)	Chairman, District Primary School Council	-	Eligible to contest, after tendering resignation from the said post.
r)	Data Entry Operators (DEOs) of Bangla Sahayata Kendras (BSK)	-	They are not eligible to contest unless they resign from such post.

All the Panchayat Returning Officers be informed accordingly.

Yours faithfully,



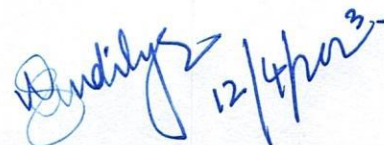
Secretary

West Bengal State Election Commission

No. 355(22)/1(22)-SEC/6D-12/2023

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Copy forwarded for information to the District Panchayats & Rural Development Officer, Alipurduar/ Bankura/ Birbhum/ Cooch Behar/ Dakshin Dinajpur/ Darjeeling/ Hooghly/ Howrah/ Jalpaiguri/ Jhargram/ Kalimpong/ Malda/ Murshidabad/ Nadia/ North 24-Parganas/ Paschim Medinipur/ Purba Medinipur/ Purba Bardhaman/ Paschim Bardhaman/ Purulia/ South 24-Parganas/ Uttar Dinajpur



Secretary

West Bengal State Election Commission

No. 355(22)/2(8)-SEC/6D-12/2023

Date: 12.04.2023

Copy forwarded for information to the President/ Chairman/ General Secretary/ Secretary
_____ (Political Party)

Buditya 12/4/23

Secretary
West Bengal State Election Commission