

WEST BENGAL STATE ELECTION COMMISSION
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No. 1816-SEC/6D-11/2022

Date : 27.05.2022

From : The Secretary,
West Bengal State Election Commission.

To : The District Panchayat Election Officer
&
District Magistrate,
Darjeeling

Sub.: Eligibility and ineligibility for candidature to the Panchayat General Elections

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 Panchayat General 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)	Primary School Teachers & High School Teachers	-	They are eligible to contest.
f)	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, such contractor 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 resulting in termination of contracts, shall be eligible. However, in case of a contractor who has completed his work but has not received full payment or whose security deposit has not been refunded, his contractual obligations still persist and he/ she shall not be eligible to contest.
g)	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.
h)	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.
i)	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.
j)	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.
k)	Chairman, District Primary School Council	-	Eligible to contest, after they have tendered resignation from the said post.
l)	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.
m)	Civil Defense Volunteers	-	They are eligible to contest, provided that there is no bar in regulations governing their service.

n)	Gram Panchayat Resource Persons (GRP) / (VRP), District Resource Persons (DRP), related to SGSY	-	They are eligible to contest, provided that there is no bar in regulations governing their service.
o)	Employee of Municipality or Municipal Corporation	-	They are eligible to contest.
p)	Community Service Provider (CSP)	-	They are eligible to contest, provided that there is no bar in regulations governing their service.
q)	Bare Foot Technician (BFT) engaged under MNREGS	-	They are eligible to contest as they are neither regular nor part time employee of any gram panchayat and they do not receive any remuneration or salary from the gram panchayat.
r)	Office bearer of Sangha	-	They are eligible to contest as they do not receive any remuneration or salary from any tier of panchayats and they are with no contract between any tiers of panchayats.

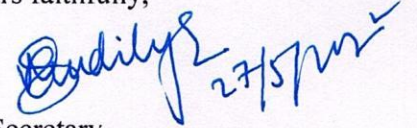
II. Persons not eligible to contest in Panchayat Elections:

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.
n)	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.
e)	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.
f)	Home Guard	-	They are not eligible to contest since they are Government employees.
r)	Civic Volunteer	-	They are not eligible to contest as they are contractual staff of the Government.
g)	Gram Rozgar Sevak	-	They are not eligible to contest as they are contractual staff under MGNREGA.
h)	Village Level Entrepreneur (VLE)	-	They are not eligible to contest as they are contractual staff under MGNREGA.
i)	Skilled Technical Person (STP)	-	They are not eligible to contest as they are contractual staff under MGNREGA.
j)	Para Teacher	-	They are not eligible to contest as they are contractual staff under the Education Department.
k)	Siksha Bandhu	-	They are not eligible to contest as they are contractual staff under the Education Department.
l)	ANM-I & ANM-II	-	They are not eligible to contest as they are either full time or contractual for emergency services in Health Centre.

m)	Youth Volunteer	-	They are not eligible to contest as they are contractual staff of the Government.
n)	Block Level Facilitator (BLF)	-	They are not eligible to contest as they are contractual staff of the Government.
O)	Contractual Medical Officer under BMOH	-	They are not eligible to contest as they are contractual staff of the Government.
p)	Gram Panchayat Computerised Accounts Assistant (GPCAA)	-	They are not eligible to contest as they are contractual staff under the Government.
q)	Contractual Group-D of Govt. of West Bengal	-	They are not eligible to contest as they are contractual staff of the Government.

Panchayat Returning Officer concerned may be informed accordingly.

Yours faithfully,



Secretary,

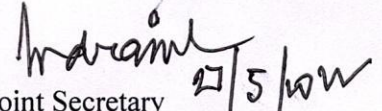
West Bengal State Election Commission

No. 1816/1(10)-SEC/6D-11/2022

Date : 27.05.2022

Copy forwarded for information and necessary action to the:

President/ Chairman/ General Secretary/ Secretary, (Political Party)



Joint Secretary

West Bengal State Election Commission