

Item No. 32

22.12.2020
Ct. No.24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)

WPA No. 7809 of 2020
Smt. Nilu Rani Dey(Atta)
v.
The State of West Bengal & Ors.

Mr. Pradip Paul
... for the petitioner.

Mr. Rajarshi Basu
Mr. Kapil Guha
... for the State respondents.

The petitioner prays for issuance of a writ of mandamus for cancelling the engagement letter which was issued in favour of the private respondent in the post of ASHA Karmee under the Kuldiha Sub-Center, Kharagpur Block-II, Gram Panchayat- Palshya.

The petitioner on an earlier occasion filed a writ petition challenging the selection of one Nilima Maity for the said post. The Court upon consideration of the submissions made on behalf of all the parties by a judgment dated November 27, 2019 set aside the engagement of the said Nilima Maity. The respondent was directed to take consequential steps for appointment of the next empanelled candidate in the post of ASHA within a stipulated time frame. The petitioner in the earlier writ petition being WP No. 17508(W) of 2019 had submitted before the Court that

she was the second empanelled candidate and the private respondent Nilima Maity was the first empanelled candidate.

In the present writ petition the petitioner has submitted that the engagement letter was issued in favour of one Soma Rani Atta even though the Court on the earlier occasion had recorded in the judgment that her name appeared in the second position of the panel of selected candidates.

The petitioner submits that if the selection of the first empanelled candidate is set aside then automatically she being the second empanelled candidate will be eligible for appointment upon issuance of engagement letter in her favour.

The learned advocate representing the State respondents, upon instructions, submits that the petitioner was not at all empanelled in the list of selected candidates. The first name in the panel was Nilima Maity whose selection was set aside by the Court and the second empanelled candidate is Soma Rani Atta. In compliance of the order passed by the Court the authority has issued the engagement letter in favour of the second empanelled candidate.

The panel consisting the names of the empanelled candidates has been produced before the Court. It

appears that under the Kuldiha Sub-center the name of the petitioner does not appear.

A candidate whose name does not appear in the panel of selected candidates does not have any right to claim issuance of engagement letter in her favour. Accordingly, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

The instruction given by the respondents to their learned advocate is retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)