

07.12.2020

Ct. No. 24

Item No.37

pk.

WPA No. 8276 of 2020

Sabita Mondal

-vs-

State of West Bengal & Ors.

Mr. Bikram Banerjee for the petitioner

Mr. Kunal Banerjee,
Mr. Pratip Mukherjee for the respondent no. 8

Mr. Swapan Kumar Dutta, Sr. Adv.,
Mrs. Smita Das De for the State

The issue relates to appointment of ASHA Karmi. The petitioner alleges that one Mongola Mondal being the respondent no. 8 has been given appointment illegally as she is not the resident of the area where the ASHA Karmi is to be engaged.

The petitioner has relied upon the electoral list of the village in question in support of her contention.

The petitioner has lodged complaint before the Sub-Divisional Officer as well as the Block Medical Officer of Health highlighting her grievances.

It appears that the grievance of the petitioner has not been redressed by the authority till date.

The learned advocate appearing on behalf of the private respondent submits that she has already been engaged pursuant to the engagement letter issued in her favour by the concerned authority.

As it appears that the issue herein cannot be decided by the High Court as the court cannot enter into the question of fact with regards to the residence of a particular candidate.

In that view of the matter, the instant writ petition is disposed of by directing the respondent no. 4 being the District Magistrate, Howrah to consider the grievance raised by the petitioner, strictly in accordance with the advertisement for engagement, within a period of ten weeks from the date of communication of a copy of this order.

The petitioner is directed to file a composite representation before the respondent no. 4 annexing all the documents relied upon by her within a week.

The respondent no. 4 shall afford an opportunity of hearing to all the necessary parties and pass a reasoned order to be communicated to the parties immediately thereafter.

It is made clear that this Court has not gone into the facts of the case and the matter is relegated to the District Magistrate for taking an appropriate decision in the matter.

W.P. No. 8276 of 2020 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)