

WPA 8549 of 2020

**Kakoli Mondal
Vs.
The State of West Bengal & Ors.**

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Mr. Raghunath Chakraborty
Sk. Faridullah
... For the Petitioner

The petitioner served in the post of ASHA in Debipur Gram Panchayat in the district of Murshidabad since 2008. She completed the training required for her service.

The petitioner states that from April 2017 to December 2018 she could not perform her duties. She again went to join her duty in January 2019, but she was restrained from signing the attendance register.

The petitioner was again selected for undergoing training in February 2020 and March 2020. The petitioner submits that she has successfully undergone the training.

In the instant writ petition the petitioner prays for direction upon the respondent authorities to treat her as a regular ASHA and to release her monthly remuneration along with her arrears from January 2019.

It appears from the documents annexed to the writ petition that prior to approaching this Court the petitioner did not make any representation before the concerned authority highlighting her grievances.

None appears on behalf of the State respondents, despite service.

As the proper facts are not available before this Court, no mandatory order can be passed

upon the respondent authorities for releasing either the arrears or the current remuneration of the petitioner.

The petitioner is granted liberty to make a comprehensive representation annexing all supporting documents before the Secretary, Block Health and Family Welfare Samity within ten days from date.

In the event such representation is made, the Secretary of the Samity shall consider the same strictly in accordance with the law within a period of eight weeks from the date of receipt of the said representation.

The Secretary shall give a liberty of hearing to the petitioner prior to deciding the issue, if required. The Secretary shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and all points are left open to be decided by the Secretary in accordance with law.

With the aforesaid observation, WPA 8549 of 2020 is disposed of.

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

(Amrita Sinha, J.)

