

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6190 of 2021

Pabitramayee Majhi
Vs.
The State of West Bengal & Ors.

Mr. Kashiswar Ghosal
... For the petitioner

Mr. Susanta Pal
Ms. Ananya Neogi
... For the State

Affidavit of service filed in Court today is taken on record.

The petitioner applied for being engaged as Accredited Social Health Activist (in short “ASHA”) Karmee under National Rural Health Mission in terms of a notice for engagement dated 18th July, 2018 for Polpol Sub-Centre under Village Tilaitar as a Scheduled Tribe (in short “ST”) candidate. The petitioner says that the petitioner is the permanent resident of the same area under health sub-centre for which she had applied. The petitioner further says that the Pradhan of Arsha Gram Panchayat has certified that the petitioner is a resident of Village Chakedabad which is within Tilaitar Sansad. The petitioner, therefor, says that she is entitled to be considered for engagement as ASHA Karmee in Polpol Sub-Centre under Village Tilaitar.

On the other hand, it is submitted by the State that pursuant to an application under Right to Information Act, 2005, it is clearly stated that the petitioner's application was scrutinised by the Block Development Officer (in short "BDO"), Arsha where it revealed that the applicant did not apply for the same village sub-centre where she resides and, as such, her application was rejected. It is further submitted that the vacancy was declared only for the residents of Tilaitar. The petitioner being admittedly a resident of Chakedabad is not entitled to be considered for being engaged as ASHA Karmee for the Polpol Sub-Centre within Village Tilaitar.

After hearing the parties and going through the materials on record, I find that the BDO has scrutinised the petitioner's application and has found the petitioner to be not entitled to for being considered against Polpol Sub-Centre, Village Tilaitar. The BDO is the Competent Authority to decide the correctness of the particulars submitted by the petitioner for being considered to be appointed as an ASHA Karmee in the Polpol Sub-Centre under Village Tilaitar. Once the BDO has found that the petitioner is not entitled to be considered for Polpol Sub-Centre under Village Tilaitar, the certificate of the Pradhan of Arsha Gram Panchayat cannot be given precedence over the same.

Remanding the matter for reconsideration of the order of BDO in absence of any document being produced

that the BDO's decision is wrong will encourage the petitioner to file successive writ petitions till she achieves the desired result in gross abuse of process.

The writ petition is, therefor, devoid of merit and is accordingly dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)