

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16318 of 2021

Sumitra Murmu & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Dhirendra Nath Chatterjee
Mr. Madhusudan Mandal
... For the petitioners

Ms. Chama Mookherji
Ms. Monika Pandit
... For the State

Six persons have joined as petitioners in the instant writ petition espousing their individual cause but out of similar facts and against common set of respondents.

Deficit court fees has been paid by the petitioners, the receipt whereof is kept on record.

The petitioners say that pursuant to an advertisement dated 6th February, 2013, the petitioners made applications for their respective candidature to be considered as Accredited Social Health Activist (in short “ASHA”) Karmees. The petitioner no.1 has sought for selection at Paharpur in Murlu Sub-Centre, District – Purulia. The petitioner no.2 has sought for selection at Murlu in Murlu Sub-Centre. The petitioner no.3 has applied for selection at Shyambathan and Chapuri and

Deujuri in Barraah Sub-Centre. The petitioner no.4 has sought for selection at Nutangram and Bhabanipur in Barraah Sub-Centre in Barraah Gram Panchayat. The petitioner no.5 has sought for being selected at Ramjangal and Kaduri in Ghat Rangamati Sub-Centre. The petitioner no.6 has sought for appointment at Ghat Rangamati in Ghatrangamati Sub-Centre. All these Sub-Centres are in Kashipur Block under Barraah Gram Panchayat in the district of Purulia. The petitioners were selected and their names appeared in the panel prepared for Kashipur Block, a copy whereof is annexed at page 50 of the writ petition. The petitioners say that despite there being vacancies in respect of the said Sub-Centres for which the petitioners have been selected, the petitioners have not yet been given appointment. The petitioners are seeking mandatory orders for being appointed.

A mandamus commanding the respondents to give appointment to the petitioners cannot be granted in the facts of this case.

In the facts and circumstances as aforesaid, the respondents no.3 and 4 are directed to consider the representation made jointly by the petitioners on 28th December, 2020 and dispose of the same by a reasoned order within a period of six weeks from date after affording the petitioners a reasonable opportunity of hearing following the Covid-19 prevailing protocol. The reasoned order should also be communicated to the

petitioners within ten days from the date of passing of such order.

The parties, including the respondents no.3 & 4, shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

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

(Arindam Mukherjee, J.)