

25.03.2021.
Item no. 178.
Court No.13
sa

W.P. No. 16717 (W) of 2019

**Mallika Mandal
Versus
The State of West Bengal & Ors.**

Mr. Srikanta Datta
... .. for the petitioner

Mr. Rezaul Hossain
... .. for the State

Affidavit-of-service filed today in court be
kept with the record.

The petitioner is aggrieved by the fact that
she was not given appointment to the post of
ASHA Karmee for Bishnupur village despite
having been empanelled. The petitioner
participated in the recruitment process for ASHA
Karmee conducted by the Murshidabad District
Medical Officials by the notice dated 27th June,
2012.

It is submitted that the petitioner was
empanelled and not given appointment. WP No.
3872 (W) of 2018 was moved by the petitioner
before this Court which was disposed of by order
dated 4th July, 2019 directing the respondent
authorities to consider the petitioner's
representation for appointment.

By the impugned order dated 7th August,
2019, it has been found by the Chief Medical

Officer of Health (CMOH), Murshidabad that the petitioner having been empanelled could not be appointed because of change in guidelines of the Government of West Bengal and the fact that the petitioner's case had become infructuous for delayed submission of the same to the office of the CMOH.

It is further submitted by the learned counsel for the State that new appointments have been made to the post of ASHA Karmee in Bishnupur village under Balia Gram Panchayat on 26th August, 2019. One Ms. Panchali Das (Ghosh) has been appointed.

While this Court has sympathy for the petitioner, there is nothing much that can be done except grant liberty to the petitioner to seek damages against the district authorities for the delay in sending the panel for approval to the CMOH as observed in the impugned order.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)

