

04-02-2021
ct no. 13
Sl.10
sp

WPA 18838 of 2015

Prabhamoyee Mandal

-Versus-

State of West Bengal & Ors.
(Via Video Conference)

**Mr. Surajit Samanta,
Mr. Debojit Samanta**

...for the petitioner

Notice issued to the learned counsel for the State is taken on record.

Despite service of notice, there is no representation on behalf of the State.

The writ petitioner challenges an order dated November 2, 2014 passed by the District Magistrate, Malda. The said order came to be passed pursuant to an order dated August 14, 2014 passed in FMA 96 of 2011 by a Division Bench of this Court.

The Division Bench directed the District Magistrate, Malda to consider the case of the writ petitioner afresh. By an earlier order, the District Magistrate, Malda found that the applicant was not a resident of a sub-center at Balufara, Sahabajpur, Kaliachak-III, Malda.

The District Magistrate, Malda in the impugned order found that he was actually a

resident of Ramharitola, Sahabajpur. It was further found that the principal document, which the Division Bench of this Court found relevant and directed fresh consideration based thereon by the District Magistrate, Malda was made essentially to enable the petitioner to apply for the post of a Auxiliary Nurse cum Midwife from the said sub-center.

Mr. Samanta, learned counsel appearing for the petitioner would argue before this Court that the application for change of ration card from Ramharitola, Sahabajpur to Balufara, Sahabajpur, Kaliachak-III, Malda made on 19.11.2006 would prove that her residential address has been changed as on 19.11.2006. The District Magistrate, however, held that the change of address would take effect from the date on which the ration card is actually issued with a fresh recorded address and not from the date of application of change of address.

This Court is not inclined to interfere with the said order since the same *ex facie* cannot be deemed perverse.

It is trite law that a Court under Article 226 of the Constitution of India does not sit in appeal over the decision of an administrative authority. What is assessed is essentially the decision making process. In exceptional cases

even the decision itself can be looked into by a writ Court if it is demonstrated, or evident from the said order that the same is perverse.

It is equally well-settled that if two views are possible in respect of the facts and circumstances and the administrative authority has taken one view, the writ Court cannot substitute the other view and impose the same on an administrative authority.

This Court is of the view that the conclusion and reasoning arrived at by the District Magistrate, Malda is definitely a plausible view.

In those circumstances, no interference is called for. Accordingly, the instant writ application fails and is hereby dismissed.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)