

06 17.12.2021  
bd Ct.15

WPA 29316 of 2016

(Through Video Conference)

**Shrabani Manna (Ghorai)**

**-vs-**

**The State of West Bengal & Ors.**

Mr. Rabindranath Mahato

Mr. A.S.Ray

....for the Petitioner.

Mr. Amal Kumar Sen

Mr. Aniruddha Sen

... for the State.

This writ petition has been preferred by one of the candidates who was desirous to be appointed as Auxiliary Nurse Midwife (ANM) in Sabang Block in the district of Paschim Medinipur. The case made out in the writ petition is that though the selection procedure was initiated by the respondent authorities for filling up the post of 2<sup>nd</sup> Auxiliary Nurse Midwife (ANM) on contractual basis in the year 2011 and subsequently a panel was prepared but the said panel has not been given effect to by the concerned authorities.

It is submitted on behalf of the writ petitioner by Mr. Rabindranath Mahato, learned advocate, that the petitioner was one of the empanelled candidates for appointment in the 2<sup>nd</sup> post of Auxiliary Nurse Midwife (ANM), since the

panel in question was not given effect to the petitioner could not be appointed.

Matter was heard in presence of the learned advocates representing the respective parties to this writ petition on last few dates and this Court directed the learned advocate representing the State respondents to obtain instructions with regard to the status of the panel prepared for appointment of 2<sup>nd</sup> Auxiliary Nurse Midwife (ANM) in Sabang Block, District- Paschim Medinipur.

Today, Mr. Amal Kumar Sen, learned Additional Government Pleader, appears on behalf of the State respondents has placed before this Court a Memorandum dated 19<sup>th</sup> May, 2015 issued by the Mission Director, National Health Mission, whereby it was informed to all concerned that the Government of India discontinued further approval of posts of contractual 2<sup>nd</sup> Auxiliary Nurse Midwife (ANM) and sanction of expenditure of training of such personnel. In addition thereto it was also intimated therein that the panel if prepared for the purpose of appointment of 2<sup>nd</sup> Auxiliary Nurse Midwife (ANM) shall be treated as invalid and shall stand cancelled with immediate effect. The copy of the said Memorandum dated 19<sup>th</sup> May, 2015 is filed before this Court and the same is taken on record.

In view of the said Memorandum dated 19<sup>th</sup> May, 2015 whereby decision was taken by the concerned authority of the Government of India to discontinue further approval of posts of contractual 2<sup>nd</sup> Auxiliary Nurse Midwife (ANM) and not to sanction expenditure of training for such personnel, the writ petitioner even if assumed to have been included in the panel in question in 2011, does not have any right to be appointed in the 2<sup>nd</sup> post of Auxiliary Nurse Midwife (ANM).

Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Urgent Photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**