

Item No. 26

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

04.01.2021
Ct-24

W.P.A. 9619 of 2020
Salima Bibi
v.
The State of West Bengal & Ors.

Mr. Golam Mastafa
Mr. Samirul Sardar
... for the petitioner.

Mr. Susanta Pal
Mr. Ananda Dulal Sakar
... for the State.

The petitioner participated in the selection process of Anganwadi Helpers of the Narayanpur-I Gram Panchayat. She was successful in the written examination and qualified for the viva voce but the interview letter for the viva voce was allegedly not served upon her. After she got to know that the viva voce was over on September 27, 2020 she made representation before the concerned authority. As the said representation was not considered

she has approached this Court by filing the instant writ petition.

At the time of hearing of the writ petition the learned advocate for the petitioner hands up a copy of the memo bearing Memo No. 281/ICD/KMP-II dated November 23, 2020 issued by the Child Development Project Officer, Karimpur-II ICDS Project, Mahishbathan, Nadia wherein it has been mentioned that she duly qualified for the viva voce which was held on September 27, 2020. Along with the petitioner twenty-nine other candidates also qualified for the same. Twenty-nine candidates were present and appeared in the viva voce but the petitioner was absent. The Child Development Project Officer informed the petitioner that the process of dispatching interview letter was completed under the supervision of previous ACDPO In-charge of CDPO, Karimpur-2 ICDS Project. The Child Development Project Officer, however, informed that the matter will be looked into and necessary action will be taken.

The learned advocate representing the respondents submits, upon instructions, that out of thirty eligible candidates, twenty-nine candidates appeared for the viva voce but the petitioner did not. A panel has already been prepared from amongst the candidates who were present in the viva voce.

Upon hearing the submissions made on behalf of the parties it appears that the representation of the petitioner is under active consideration at the end of the Child Development Project Officer.

The instant writ petition is accordingly disposed of by directing the respondent no. 4 being the Child Development Project Officer to take necessary steps for conducting fresh viva voce in respect of the petitioner only if he is satisfied that the interview letter was not duly served upon the petitioner on time. In the event, the said respondent comes to a definite conclusion that the petitioner did not participate in the viva voce intentionally and deliberately then there is no further requirement of

conducting the viva voce in respect of the petitioner alone.

If the petitioner is permitted to participate in the viva voce then necessary consequential steps shall be taken if she qualifies in the same. In the event, the viva voce is not required to be taken the same shall also be communicated to the petitioner. All steps shall be taken within a period of three weeks from the date of communication of a copy of this order.

WPA No. 9619 of 2020 stands disposed of.

The memo dated November 23, 2020 is retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(**Amrita Sinha, J.**)