

Item No. 4

07.01.2021
Ct-24

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

W.P.A. 10566 of 2020
Nargis Tuhina Begam
v.
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharyya
Mr. Gausul Alam
... for the petitioner.

Mr. Arjun Roy Mukherjee
Ms. Nibedita Barui
... for the State Respondents.

Mr. Mohan Kumar Sanyal
Mr. Dwaipayan Sanayal
... for the respondent no. 10.

The instant writ petition is a sequel to the earlier writ petition which was filed by the private respondent therein (Runa Laila Answare) challenging the selection of the petitioner in the process for appointment of ASHA in the year 2018.

In the earlier writ petition being WP No. 236(W) of 2019 this Court by an order dated January 21, 2020 directed the Sub-Divisional Officer, Domkal Sub-Division to consider the representation made by the petitioner [Runa Laila(Answare)] in accordance with the relevant rules/circulars/ guidelines after giving an opportunity of hearing to all the necessary parties.

In compliance of the order passed by the Court the Sub-Divisional Officer, Domkal, Murshidabad has conducted hearing of the parties and has passed a reasoned order, which is impugned in the instant writ petition.

The Sub-Divisional Officer was of the opinion that the selection was vitiated due to the submission of erroneous documents from Nargis Tuhina Begam, the petitioner herein, and the same has hampered the law of natural justice. The said respondent clearly mentioned that the appointment of Nargis Tuhina Begam will be treated as null and void as she was overaged and beyond the eligibility criteria.

Nargis Tuhina Begam is aggrieved by the said order. She relies upon the Madhyamik Examination Admit Card issued by the West Bengal Council of Rabindra Open Schooling as a supporting document in respect of her date of birth. The date of birth as appearing in the admit card of Nargis is February 16, 1983.

The private respondent herein that is Runa Laila has produced copy of the certificate from the teacher-in-charge, Khairamari High School wherefrom it appears that Nargis Tuhina Begam was a registered student of the school and her date of birth as mentioned in the admission registrar was February 16, 1971. A further

certificate from the Headmaster of Sitanagar High School (H.S) which mentions that Nargis was a registered student of Class-IX in the said school and her date of birth mentioned in the admission register was February 16, 1971 was also produced before the concerned officer. The documents submitted by Runa Laila were verified from the concerned offices and were found to be true.

The Sub-Divisional Officer also communicated with the President of West Bengal Council of Rabindra Open Schooling and enquired with regard to the date of birth of Nargis wherefrom it has been informed that the date of birth of Nargis has been recorded on the basis of self-declaration and there is no supporting document.

Relying on the aforesaid documents the Sub-Divisional Officer was of the opinion that Nargis was overaged and accordingly set aside her appointment.

The Court does not find any infirmity in the order of the Sub-Divisional Officer. It appears that the officer had taken all efforts to enquire into the matter and has come to a considered opinion that Nargis was overaged and accordingly her appointment has been set aside.

The writ petition does not call for any interference and the same is accordingly dismissed.

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.)