

03.02.2021

Ct No.13

Sl. No.72

akd

W.P.A. 10992 of 2020 [via video conference]

[Dhani Tudu -Vs- The State of West Bengal & Ors.]

Mr. Malay Bhattacharyya

Mr. Subhrajyoti Ghosh

... .. for the petitioner

Mr. Sudipto Panda

Mr. Subrata Ghosh

... .. for the State

The State has filed a report in the way of an affidavit affirmed on 1st February, 2021. The report clearly indicates that the appointment of ASHA karmee at the Jhargoria Sub Centre was not reserved for any Scheduled Tribe candidate. All that is mentioned in the advertisement was that preference/priority would be given to the Scheduled Caste and Scheduled Tribe candidates.

This Court is of the view that merely because a preference is provided for in an advertisement, the same cannot create any unqualified right in favour of the Scheduled Caste and Scheduled Tribe candidates for appointment in a place where no reservation is there for such category of persons.

The petitioner thereafter would argue from the Bar that the petitioner was already a linked worker in the said sub-centre and should have been given preference. Since the petitioner's Scheduled Tribe status was not binding on the authorities, the petitioner having been a linked worker also cannot create any right in his favour. In any event, the ground of any such status of the petitioner by reason of his having been a linked worker in the area has not been urged in the writ application.

For the reasons stated hereinabove, the writ petition fails and is hereby dismissed.

There shall be no order as to costs.

Report filed by the State by way of an affidavit be kept with the record.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)