

16.2.2022  
Ct. No.19  
Sl.no.6  
sn

**W.P.A. No. 1205 of 2022**

**Rupali Mondal (Ghosh)**

**Vs.**

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

Mr. Srikanta Datta

....for the petitioner

Mr. L.M. Mahata

Mr. P.B. Mahata

..for the State

The petitioner is aggrieved by a notice dated January 3, 2022, issued by the Member Secretary, ASHA selection committee and Sub-Divisional Officer, Kandi, for filling-up the post of ASHA Karmee in Majiara Sub-Centre, under Sahora Gram Panchayat.

It is the contention of the petitioner that the said recruitment notice could not have been issued in view of the specific bar contained in the communication dated November 6, 2013 issued by the Additional Mission Director, National Rural Health Mission, West Bengal.

It is the further contention of the petitioner that the communication dated November 6, 2013 specifically provided that all posts of ASHA karmee should be filled-up except those in respect of which litigation was pending.

Mr. Datta, learned advocate for the petitioner has produced case details published in the Website of the High Court to show that WPA 16160 of 2009, which was filed on September 4, 2009, by the writ petitioner praying for

appointment as an ASHA karmee in respect of Majiara Sub-Centre was pending before the Court.

Mr. Mahata, learned Senior Government Advocate, also submits that this case is pending and the post could not be filled up until and unless the writ petition was disposed of.

The learned advocate for the petitioner further submits that the petitioner does not want to contest WPA 16160 of 2009 and prays that a supplementary list to be published and the matter be taken up along with this writ petition. He prays that instead of keeping the writ petitions pending, the entire matter may be relegated to the Mission Director, National Rural Health Mission, West Bengal, for decision on all points raised by the petitioner. The submission of the petitioner seems to be fair.

In respect of WPA 16160 of 2009, as this Court does not have determination to take up matters filed before 2017, the petitioner is granted liberty to take steps before the appropriate Bench.

The present writ petition being WPA 1205 of 2022 is disposed of with a direction upon the Additional Mission Director, National Rural Health Mission, West Bengal to treat the writ petition as a representation and dispose of the all the issues raised by the petitioner upon considering the earlier orders passed by this Court and also upon granting an opportunity of hearing to the petitioner. Such exercise will be undertaken upon the petitioner satisfying the authority that the earlier writ petition has been withdrawn.

A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

This Court has not gone into the merits of the claims and counterclaims of the parties.

This writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

**(Shampa Sarkar, J.)**