

13.04.2022
Sl. No.7
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1871 of 2022

Smt. Salu Kumbhakar
Vs.
The State of West Bengal & Ors.

Mr. Madhusudan Mandal

....for the petitioner.

Mr. Rezaul Hossain

...for the State.

The petitioner applied for being engaged as Accredited Social Health Activist (in short “ASHA”) in Kargali Sub-Centre under Cheyyama - VII Gram Sansad pursuant to an advertisement. The petitioner admittedly did her schooling from Bihar, as will appear from her testimonials annexed to the writ petition. Although the petitioner fulfilled the educational criteria, but at the time of selection she was found unable to read and write Bengali. As knowledge in Bengali is necessary for serving in a village in West Bengal as an ASHA Karmee, the petitioner though had been empanelled after scrutiny of papers, was never selected for being engaged as ASHA Karmee. The petitioner says that immediately prior to 2013, she came to reside at the subject Gram Sansad on being married to Santi Kumbhakar, and as such she was unable to read and write Bengali. However, with the passage of time, she has now

learnt Bengali and can read and write. The petitioner further says that she is an empanelled candidate and can be given an engagement as ASHA Karmee on having learnt Bengali.

After hearing the parties and considering the materials on record, I find that the petitioner was called for a selection process initiated in 2011, which ended in 2012, when the petitioner was rejected for being unable to read and write Bengali. The other candidate being short-listed with the petitioner in the said selection process had been given engagement and as such, there is no vacancy.

The petitioner has filed this writ petition only on 2nd February, 2022, after more than nine years from the completion of the selection process. The selection process as appears from record was complete on 9th July, 2012. The writ petition is rejected for being devoid of merits and the petitioner having approached this Court at a belated stage to seek interference to a selection process which was complete on 9th July, 2012. The petitioner's prayer cannot also be granted as the same will amount to reopening of the settled position after the selection process was over in 2012.

The writ petition is dismissed without any order as to costs.

(Arindam Mukherjee, J.)

