

S/L 86
26.09.2022
Court. No. 19
GB

W.P.A. 2910 of 2022

Rekha Pramanick
VS
The State of West Bengal & Ors.

Mr. Alokesh Dalai.

...for the Petitioner.

*Mr. Srijan Nayek,
Ms. Debarati Sen Bose.*

...for the Respondents.

Affidavit-of-service filed in Court today, be kept with the record. None appears on behalf of the respondent no.9.

The petitioner has challenged the appointment of the respondent no.9 as an ASHA worker under a health centre within the Domkal Block. According to the petitioner, a recruitment process was conducted in 2007.

The respondent no.9 filed W.P. No.12671 (W) of 2014 alleging that although she was shortlisted for being given an appointment as an ASHA, the panel had not been approved. The said writ petition being W.P. No.12671 (W) of 2014 was disposed of by a coordinate Bench, requesting the respondent no.5 therein, that is the Block Medical Officer of Health to take appropriate decision in respect of the panel that was forwarded. His Lordship had expressed a hope that an appropriate decision should be taken within a fortnight from the date of communication of the order. Such order was passed on April 29, 2014

The Block Medical Officer of Health passed an order dated June 30, 2014 in non-compliance of the order dated April 29, 2014 passed in W.P. No.12671 (W) of 2014. By the

said order, the Block Medical Officer of Health, Domkal had recommended the name of the petitioner as the fittest candidate to join the post of ASHA. It was further held that the other person, who were selected and given appointment, namely, Doly Easmin should be terminated. W.P. No.14847 (W) of 2018 was again filed by the respondent no.9 for implementation of such order of the Block Medical Officer of Health, Domkal. The writ petition was disposed of with a direction upon the Block Medical Officer of Health, Domkal to issue an appointment letter to the respondent no.9 and to send her for training in terms of the order dated June 30, 2014.

The petitioner claims to be appointed in place of and instead of the respondent no.9. The contention of the petitioner is that the petitioner was a successful candidate at a selection process, which took place sometime in 2013.

The writ petition is disposed of without any orders as the appointment of the respondent no.9 was on the basis of a direction of a coordinate Bench of this Court. No appeal therefrom has been preferred. Thus, the question of appointing the petitioner in the post where the respondent no.9 has been appointed as per the direction of this Court, does not arise. There is nothing on record to show that the petitioner was selected for the post, to which the respondent no.9 was appointed upon due completion of a recruitment process, which allegedly commenced sometime in 2013.

The petitioner is at liberty to approach the concerned Block Medical Officer of Health for intimation with regard to

the recruitment process, in which the petitioner had participated, but the claim of the petitioner to the post, to which the respondent no.9 has been appointed, is not maintainable. The order of this Court and the appointment of respondent no.9 has attained finality.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)