

28.09.2022
Sl. No.73(DL)
srm

W.P.A. No. 3933 of 2022
Bani Mondal & Ors.
Vs.
The State of West Bengal & ors.

Mr. Anjan Bhattacharya,
Md. Kutubuddin

....for the Petitioners.

Mrs. Anwari Quraishi,
Mrs. Zainab Tahur

...for the State-respondents.

The petitioners participated in a selection process for being appointed as Accredited Social Health Activists (in short ASHA) pursuant to the advertisement dated December 24, 2010, which is annexure P2 at page 31 of the writ petition. The applications were for appointment to the vacancies under the Rasulpur Gram Panchayat. The vacancy position as per the advertisement at Rasulpur, was seven.

The petitioners rely on the resolution of the selection committee, which is annexure P3 at page 35 of the writ petition. From the said resolution, it appears that the petitioners were the selected candidates for the vacancies under Rasulpur Gram Panchayat. The final list of the duly selected ASHA under the Nabagram Panchayat Samity

excluded the candidates under Rasulpur Gram Panchayat. All the other gram panchayats figured in the final list, except Rasulpur. Thus the writ petition has been filed with the allegation that the authorities had arbitrarily excluded the selected candidates of Rasulpur from being appointed as ASHA, although the selection process indicated that there were seven vacancies.

The learned Advocate for the State-respondents has handed over a communication made by the Member Secretary, Block Health and Family Welfare Samity, Nabagram Panchayat Samity. It appears that four separate complaints had been received with regard to the selection process of ASHA under Rasulpur Gram Panchayat. Enquiries were made and the Executive Committee of the Block Health and Family Welfare Samity, Nabagram Panchayat Samity had reviewed the selection process. The decision was communicated to the Sub-Division Level Selection Committee. The Member Secretary, Sub-Division Level Selection Committee, did not respond to the queries. It appears that those seven posts in Rasulpur Gram Panchayat, are still vacant.

The Sub-Divisional Officer, Lalbagh, Murshidabad, who is also the Sub-Division Level Member Secretary of ASHA Selection Committee, shall treat the writ petition as

a representation and pass a reasoned order, in accordance with law. A hearing shall be given to the petitioners and the Block Development Officer, Nabagram Development Block as also the complainants, who objected to the selection process and to any other person who may be interested in the selection process of ASHA under the Rasulpur Gram Panchayat. The reasoned order shall be communicated to all. In the reasoned order, the authority will indicate why the selection process was not reached to its logical conclusion in respect of the petitioners as ASHA under the Rasulpur Gram Panchayat.

As seven posts are still lying vacant as per the instructions submitted by Mrs. Quraishi, learned Advocate for the State-respondents, any further step that is proposed to be taken in the meantime, shall abide by the result of the decision of the authority and the order of this Court shall be made available for circulation in the office of the concerned gram panchayat and at the sub-centres.

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

The petitioners are directed to serve a copy of the writ petition along with a server copy of this order upon the Sub-Divisional Officer, Lalbagh, Murshidabad as also

upon the Block Health and Family Welfare Samity,
Nabagram Panchayat Samity.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)