

Item No. 3

15.06.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 9687 of 2022
Raseda Begum

v.

The State of West Bengal & Ors.

Mr. Robiul Islam
Ms. Pramita Banerjee
Mr. S.A. Munshi
... for the petitioner.

Mr. Bipin Ghosh
... for the State.

The petitioner seeks engagement as ASHA.
Reliance has been placed on the order dated September
17, 2009 passed in WPA No. 15753 of 2009 filed by the
petitioner.

The Court was of the opinion that:-

“When the selection process was started, the private respondent did not have the qualification but the writ petitioner had the qualification as noted above. Now the private respondent has attained the age qualification.

In that view of the matter, the Court has some sympathy for the writ petitioner and disposes of this writ application by directing the respondent no. 3 to consider the case of the writ petitioner for being employed as ASHA staff sympathetically, without dislodging the panel which is Anneure-P3 of the writ petition, as an additional appointment, if possible, or in the future.”

An order was passed by the District Magistrate,
Murshidabad on May 24, 2010. The District Magistrate
giving due honour to the order passed by the Hon’ble
Court referred the case of the petitioner to the Block

Level Selection Committee to find scope for her appointment, if possible, at present or in the future.

The petitioner's name was empanelled in the second position for Khidirpara village under Katakopara Sub-centre.

The petitioner is presently aggrieved by the selection that has been initiated by the Panchayat for engagement of ASHA worker vide Notification No. 01 of 2022 for the Health Sub-centre, Katakopara under Raipur Gram Panchayat of ASHA Area Sitalnagar (Darpara+Purbapara) within the boundary of 1st house Sankar Das to last house Rashid Malitha under Domkal Block.

Learned advocate for the State respondents submits, upon instruction that, the petitioner cannot be engaged in the said vacancy as the residential village of the petitioner is outside the purview of the Health Sub-centre where the ASHA worker is to be engaged.

The petitioner submits that as she was already eligible for engagement way back in 2009 and the Court directed for consideration of the case of the petitioner for employment as ASHA staff sympathetically in the near future, accordingly, the petitioner is liable to be engaged in accordance with the advertisement that has been published.

The Block Medical Officer of Health and the Block Development Officer, Domkal Development Block have expressed their inability to provide engagement to the petitioner, as the residential area of the petitioner is not within the jurisdiction of the Health Sub-centre where the ASHA worker is to be appointed.

It appears from the documents annexed to the writ petition that the petitioner stood second in the panel in respect of the village Khidirpara. Village Khidirpara has not been advertised in the notification that has been published for engagement of ASHA worker.

Accordingly, at this stage no relief can be granted to the petitioner in the instant writ petition. As and when vacancy is declared within the residential area of the petitioner, the respondent authorities shall take necessary steps for accommodating the petitioner strictly in terms of the order passed by the Court on September 17, 2009 in WPA 15753 of 2009 and the order of the District Magistrate, Murshidabad dated May 24, 2010.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)