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20.07.2022
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In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 14816 of 2022

Kalyani Das
-versus-
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal)
...for the petitioner

Mr. Santanu Kumar Mitra,
Ms. Jyotsna Roy Mukherjee
...for the State

The petitioner is aggrieved by the action on the part of the respondent authorities in not permitting her to join in the post of ASHA, even though her name was approved way back on July 17, 2015 by the Joint Secretary (FW) & Additional Mission Director (NHM).

The learned Advocate for the State respondents has obtained instruction wherefrom it appears that the petitioner could not be offered the job as she was serving as Pradhan of the Gram Panchayat at the relevant point of time.

The order of the Additional Mission Director (NHM) and the Joint Secretary to the Government of West Bengal, Department of Health and Family Welfare, dated 19th May, 2014 has been relied upon, which mentions that an ASHA selected as Pradhan of Gram Panchayat will not be eligible to continue as ASHA since as per Panchayat Act, 1973, the said position is a full time job and she is entitled for a fixed remuneration for the said post.

As the petitioner was already serving as a Pradhan of the Gram Panchayat, she could not be offered the job of ASHA even though she was successful and her name was approved by the competent authority.

It appears that there is a provision pursuant to which the job could not be offered to the petitioner. As such, there is no infirmity in the act of the respondents. There is no requirement of interfering with the writ petition.

The writ petition stands dismissed.

The instruction given by the B.M.O.H, Basirhat-II, be retained with the record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)