

10.11.2022
Court No. 19
Item No.845
sn

WPA 15479 of 2022

Rosenara Mondal
Vs.
The State of West Bengal & Ors.

Mr. Sujit Kumar Rath
Ms. Jyotsna Roy Mukherjee
Ms. S. Mukherjee
.....for the petitioner

Mr. Tapan Kumar Mukherjee
Ms. Tuli Sinha
..for the State

Ms. Karabi Roy ..for the respdt.10

Let the affidavit of service be taken on record.

The petitioner alleges that the respondent no.10 was not a resident of Kalinga Gram Panchayat under Chapra Block. Thus, the respondent no.10 was not eligible for appointment as an Asha in Lakshmipur sub centre under Kalinga Gram Panchayat. It is further stated that the respondent no.10 was a subsequent incumbent and had participated at the interview after the process was over.

The Sub-Divisional Officer, Sadar, Nadia has filed a report. It appears that on January 10, 2020, the respondent no.10 filed a complaint alleging that despite being a resident of the area, she was not called for an interview. The respondent no.10 has not submitted the application form filed by her pursuant

to the notification vide memo 1477 dated July 22 2014. The said notification was the initiation of the recruitment process of Asha to various sub centres including Lakshmipur sub centre under Kalinga Gram Panchayat.

It was found that the Block Development Officer had made an enquiry about the residential status of the respondent no.10 and had allowed the respondent no.10 to sit for the interview on March 12, 2020.

The petitioner relies on the voters' list of 2022, from which it appears that the respondent no.10 was a resident of Bhanderkhola Gram Panchayat.

These disputed questions of facts cannot be gone into.

This writ petition is disposed of with a direction upon the concerned Sub Divisional Officer to treat the writ petition as a representation and dispose of the same in accordance with law upon hearing the petitioner, the respondent no.10 and the Block Development Officer, Chapra Development Block. The Sub Divisional Officer shall decide the issue on the basis of the records by making an enquiry and by passing a reasoned order. The issues to be decided are as follows:-

a) Whether the respondent no.10 had filed an application for participation in the recruitment

process within the cut-off date mentioned in the notification no. 1477 dated July 22, 2014;

b) Whether the documents with regard to the residential status of the respondent no.10 on the date of advertisement reflected that she was a resident of Kalinga gram panchayat at the relevant point of time. The details of the same shall be included in the reasoned order;

c) The score sheet of the candidates shall also be looked into including the marks allotted. The marks of the candidates selected and also of those who participated from Kalinga gram panchayat shall be included in the order to be passed by the said authority;

d) Lastly, whether the interview could be held on a subsequent date and whether the authorities had the discretion to hold an interview later, by subsequently calling the respondent no.10, shall also be disclosed with special mention to the rules. The documents on the basis of which the residential status of the respondent no.10 in the year 2014 had been determined by the BDO shall be examined and scrutinized.

A reasoned order shall be communicated to all concerned.

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

This Court has not decided the merits and the entire issue shall be decided by the concerned authority.

A copy of this order along with a server copy of this order be supplied to the concerned Sub Divisional Officer.

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

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

(Shampa Sarkar, J.)