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04.01.2022
Ct. No.23
(NB)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16324 of 2021
(via Video Conference)

Paromita Mal
Vs.
The State of West Bengal & Ors.

Mr. Md. Kutubuddin
... for the petitioner.

Mr. Avishek Prasad
....for the State.

In terms of the order dated 10th December, 2021, the advocate for the State has taken necessary instruction. It is submitted by the State that the following two documents are required to be submitted by the petitioner for her claim to be processed.

1. Death certificate of the petitioner's husband duly self-attested.
2. No objection certificate from the petitioner's brother.

So far as the birth certificate is concerned, the petitioner is agreeable to submit the same. However, as to the no objection certificate from the petitioner's brother is concerned, the petitioner says that under the scheme contained in the memorandum dated 25th January, 2006 appearing at page 24 of the writ petition, only one daughter

can be considered for being appointed as Anganwadi Worker in case of death in harness of the Anganwadi Worker. The petitioner's mother was an Anganwadi Worker and as such the petitioner's name can be considered for such appointment.

After hearing the parties and going through the documents on record, I find that as per the scheme the question of the brother's no objection does not arise. Anganwadi Worker is meant only for female candidates. The brother can never apply or compete with his sister, the petitioner for being considered for appointment in a case where petitioner is seeking appointment due to her mother's death in harness an Anganwadi Worker who did not attain the age of 60 years at the time of death.

In such circumstances, let the petitioner submit only the self-attested death certificate within seven days from date. On receipt of such self-attested death certificate, the authority concern shall proceed to process the petitioner's claim within eight weeks from the date of submission of the self-attested death certificate.

The petitioner shall be given adequate opportunity to represent before the Competent Authority who is to decide the petitioner's case following the Covid-19 protocol. The Competent Authority entrusted to decide on the petitioner's case shall pass a reasoned order and communicate the same to the petitioner within ten days from the date of passing of the same. Nothing further remains to be adjudicated in this writ petition.

The writ petition is, therefor, disposed of.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

(Arindam Mukherjee, J.)