

D/L
Item No. 2
21.03.2022
KOLE

**MAT 1125 of 2019
With
IA No. CAN 1 of 2020**

**Sahanaj Begum
-Vs.-
The State of West Bengal & Ors.**

*Mr. R. Mahato,
Mr. A. Shankar Ray,*

...for the appellant.

*Ms. Chaitali Bhattacharyya,
Mr. K. Chandra Kapas,*

...for the State.

By consent of the parties the appeal and the connected application are taken up together for hearing.

The writ petitioner/appellant was a prospective candidate for the post of “Asha Karmi” (Accredited Social Health Activist). She applied for the said post following an advertisement made by the Pradhan of Akherigunj Gram Panchayat inviting applications for sub-centers under the said Gram Panchayat.

Since the appellant was not given the appointment, she approached this Court by filing a writ petition being WP No. 27364 (W) of 2007 challenging the selection process. The said writ petition was disposed of by an order dated July 27, 2009, directing the Block Medical Officer of Health, Bhagwangola-II, Murshidabad to look into the complaint lodged by the writ petitioner and to pass a reasoned order.

The said order was not complied with. The appellant filed another writ petition being WP No. 31414 (W) of 2017.

It appears that during the pendency of the said writ petition an order dated September 24, 2018, was passed by the said Block Medical Officer of Health, Bhagawangola-II, Murshidabad, whereby the claim of the appellant for her appointment to the said post was rejected.

The said order dated September 24, 2018, was again challenged by the appellant before this Court by filing the present writ application. The learned Single Judge observed that the said order dated September 24, 2018, was passed upon giving an opportunity of hearing to the appellant and upon considering marks obtained by her in the interview. The learned Judge found that the appellant was placed in the third position in the panel and as such there was no infirmity in the decision making process which called for interference by this Court in exercise of its writ jurisdiction.

Before us, the appellant argues that though she had applied for the health centre at Benipur Paschim School Para village, she was placed in the panel prepared for Benipur Paschim Road Para. The appellant argues that being a resident of Benipur Paschim School Para village, she could not be placed in the panel prepared for Benipur Paschim Road Para. She has all documents to prove that she was a permanent resident of Benipur Paschim School Para.

Neither the appellant nor the State could produce any document to show for which village the appellant had applied.

Pursuant to our directions the State has, however, produced the records pertaining to the selection process for

both the villages. Mr. Mahato, learned advocate representing the appellant, was provided with copies of such documents.

It appears from the said records that the appellant had scored 72.00 marks in the selection proceedings while the candidate selected for Benipur Paschim School Para had scored 72.60 marks. Therefore, even if the candidature of the writ petitioner/appellant had been considered for Benipur Paschim School Para, she could not have been appointed to the post in question. The appellant having secured 72.00 marks, would have been placed in the second position in the panel. Admittedly, there was only one post for which a panel of three candidates was prepared. It may also be noticed that her position in the panel for Benipur Paschim Road Para was third.

In view of the above, we do not find any reason to interfere with the order of the learned Single Judge or with the selection process.

The photocopy of the relevant records produced by the State be kept with the record.

Accordingly, MAT 1125 of 2019 and I.A. No. CAN 1 of 2020 are disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Arijit Banerjee, J.)

(Kausik Chanda, J.)