

14.11.2022
Court No. 19
Item No.03
CP

W.P.A. No. 20938 of 2021

Tumpa Biswas nee Malo

Vs.

The State of West Bengal & Ors.

Md. Abdur Rakib
Mr. Somenath Majumder

...for the petitioner.

Mr. Jahar Lal Dey
Mr. Benazir Ahmed

...for the State.

Affidavit of service is taken on record. The report is also taken on record.

The writ petition is completely misconceived. The petitioner's self assessment of her performance in the selection process cannot be the basis for issuance of a high prerogative writ against the authorities who have satisfied the court from the records that the allegation against the respondent no. 14 who was appointed to the post of Asha was in accordance with law.

The only challenge to the said appointment by the petitioner is that the respondent no. 14 was not a resident of the same mouza in respect of which such appointment was being made.

The writ petition does not contain the notification in which the eligibility criteria as to the residential status of the aspiring candidates had been set forth. Neither does the writ petition disclose

any other document in respect of such allegation of ineligibility of the respondent no. 14.

At the time of hearing of the writ petition, the voter's list has been presented before the court to indicate that the name of the respondent no. 14 appeared in part 71 of the voter's list of Kalupur Gram Panchayat.

Mr. Dey, learned Additional Government Pleader has handed over a bunch of documents which indicate that the Sub-Divisional Officer, Bongaon, North 24 Parganas had supplied all the relevant papers with regard to the residential status of the respondent no. 14. The notification which is the initiation of the recruitment process, indicates that the candidate has to be a permanent resident of the mouza in which the sub-centre is sought to be filled up. The name of the sub-centre is Purana Bangaon. The voter card indicates that the village of the respondent no. 14 is Purana Bangaon within Kalupur Gram Panchayat. The residential certificate granted by the pradhan has also been annexed to the documents. Undoubtedly, the annexures to the notification indicates that the name of the Gram Panchayat is Kalupur. The sub-centre Purana Bangaon is within Kalupur Gram Panchayat. The residential documents in support of the residential status of the respondent no. 14 indicates that the

respondent no. 14 resides within Purana Bangaon under Kalupur Gram Panchayat.

The petitioner has not been able to substantiate her arguments with any documents indicating her own residential status. As per her birth certificate, the petitioner is a resident of Pratap Nagar within Post Office – Puratan Bangaon.

It appears that the documents supplied by the Sub-Divisional Officer sufficiently prove that the respondent no.14 was eligible to apply for the post of Asha at the sub-centre Purana Bangaon within Kalupur Gram Panchayat.

The argument of the petitioner that the name of the petitioner appeared at part 85 of the Electoral Roll and the name of the respondent no. 14 appeared at part 71 of the Electoral Roll is inconsequential. The authorities found that the respondent no. 14 met the eligibility criteria. The recruiting body is the best judge to decide the eligibility criteria. The court does not find any glaring discrepancy or illegality in such assessment of the recruitment body.

As such, the writ petition does not merit any consideration. The writ petition is dismissed.

There will be no order as to costs.

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

(Shampa Sarkar, J.)