

14.09.2022
Court No. 19
Item no.08
CP

W.P.A. No. 20454 of 2022
Anita Jolkar Ghorui
Vs.
The State of West Bengal & Ors.

Mr. Gautam Banerjee

.....for the petitioner.

Mr. Himadri Sikhar Chakraborty
Ms. Susnita Saha

....for the State.

The petitioner participated in a selection process for engagement as an Asha Karmee under Tajpur Health Centre. The petitioner claims to be a scheduled caste candidate. Pursuant to the notification issued by the Sub-Divisional Officer, such selection process was allegedly held. The petitioner submits that although she appeared at the selection process and was successful, her name was not included in the final merit list. Reliance on the interview letter dated August 4, 2022 has been placed by the petitioner.

Learned advocate for the State respondents denies the claim of the petitioner. The allegation of the petitioner is that, although the petitioner had performed very well, she was not enlisted. It is

submitted by the State respondents that the records do not reveal whether any post was advertised for a scheduled caste candidate or not.

Be that as it may, this court is not inclined to go into the disputes raised by either party. Whether there was an advertisement for a vacancy in the scheduled caste category for appointment in any health centre within the Tajpur Village or whether the petitioner qualified for such post and performed better than the selected candidates, are all disputes which have to be decided on the basis of the records and by the competent authority.

However as these are issues which are required to be gone into by the appropriate authority, the writ petition is disposed of with a direction upon the Sub-Divisional Officer, Arambagh, Hooghly to dispose of the representation of the petitioner being Annexure P-4 at page 18 of the writ petition, in accordance with law.

A hearing shall be given to the petitioner and all other interested parties, including the selected candidate. A reasoned order shall be passed and communicated to all concerned.

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

The court has not decided the issues on merits and this order shall not be construed as a recognition of the right of the petitioner for appointment. This order is also not an observation on the selection process or on the competence of the selected candidate.

Accordingly, the writ petition is disposed of.

However, 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.)