

14.09.2022
Court No. 19
Item no.09
CP

W.P.A. No. 20569 of 2022

Moumita Mirdya Barui

Vs.

The State of West Bengal & Ors.

Mr. Partha Sarathi Dev Barman

Mr. Santu Das Adhikari

Ms. Debangana Dey Nayak

.....for the petitioner.

Mrs. Jhuma Chakraborty

Mr. Aritra Ghosh

....for the State.

Affidavit of service is taken on record. Despite service, none appears on behalf of the respondent no. 11.

The petitioner participated in a selection process conducted for engagement to the post of ASHA (Accredited Social Health Activist). Such selection process was conducted for different health centres of Bhagwanpur-II Development Block. The petitioner applied for Garbari Sub-Centre. According to the petitioner, 90% weightage had been given to academic qualification and 10% to viva voce, as per the notification. The petitioner relies on a schedule of marks allegedly given by the authority indicating that the petitioner's name appeared at Sl. No. 43 and the petitioner had obtained 78.57%.

It is alleged that such marks was allotted on the basis of the results in the Madhyamik Examination. It is further alleged that the respondent no. 11 who was ultimately granted an engagement letter obtained 62% in the Madhyamik Examination. Thus, even if the said candidate/respondent no. 11 was given full marks in the viva voce, still the petitioner would qualify for the engagement, having secured higher marks.

As this court is not inclined to pass any orders with regard to the merits of the claim of the petitioner, the writ petition is disposed of with a direction upon the Block Medical Officer of Health & Member Secretary, Bhagwanpur-II BH & FWS, to treat the writ petition as a representation and dispose of the same in accordance with law.

This court has not gone into the merits of the claims and counter-claims of the parties. The correctness of the allegation of the petitioner of being a better qualified candidate than the respondent no. 11 is not gone into. The entire issue shall be decided by the appropriate authority on the basis of the records and in accordance with the rules governing the said selection process.

All steps which have been taken in the meantime, shall abide by the result of the decision of the concerned authority. If it is found that the

petitioner's allegations are correct, in that event, necessary order shall be passed and remedial measures shall be taken.

This order shall not be construed as a recognition of the right of the petitioner for engagement or any observation on the eligibility of the respondent no. 11.

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.

A copy of the writ petition be served upon the concerned authority for compliance.

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.)