

S/L 12
14.09.2022
Court. No. 19
GB

W.P.A. 20629 of 2022

Jyotsna Dutta
VS
The State of West Bengal & Ors.

Mr. Arup Kundu

...for the Petitioner.

*Mr. Subrata Ghosh,
Mr. Subhendu Sengupta.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

None appears on behalf of the respondent no.6.

As this Court is not inclined to pass any mandatory direction as prayed for by the writ petitioner, but is relegating the entire issue to be determined by the appropriate authority, the writ petition is taken up and disposed of in the absence of the respondent no.6.

The petitioner alleges that the respondent no.6 was a resident of a different village and as such, she was ineligible to be appointed as an ASHA worker of Chamtagota sub-centre as per the advertisement for engagement dated March 8, 2022. It is the specific contention of the petitioner that the petitioner resides within the Shaldiha Gram Panchayat and was eligible as per the advertisement.

These are disputed questions of facts, which cannot be gone into by the writ Court.

It appears that the petitioner has already filed a complaint before the Block Medical Officer of Health, Chhatna, Bankura with her allegations.

The writ petition is disposed of with a direction upon the Block Medical Officer of Health, Chhatna, Bankura to dispose of the complaint of the petitioner, which was allegedly received on September 2, 2022 in accordance with law. A reasoned order shall be passed and communicated to the petitioner, the respondent no.6 and all interested parties. If upon enquiry, it is found that the allegation of the petitioner is correct, in that case, necessary steps shall be taken in accordance with law. Remedial measures shall also be adopted. All actions taken, shall abide by the decision of the Block Medical Officer of Health, Chhatna, Bankura.

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

This Court has not gone into the merits of the claims of the petitioner.

This order is not an observation on the eligibility of the respondent no.6. The order shall also not be construed as an opinion of the Court on the right of engagement of the petitioner as an ASHA worker.

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.)