

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20712 of 2022

Tumpa Mandal

Vs.

State of West Bengal & Ors.

Mr. Bikram Banerjee,

Ms. Dipa Acharyya

.... For the petitioner.

Affidavit of service filed in Court today be retained with the records.

In this writ petition, the grievance of the writ petitioner is that the private respondent no.4 has been selected as an Accredited Social Health Activist (in short, “ASHA”) Karmee pursuant to an advertisement dated December 23, 2021 for the Sub-Centre Sahebramtola, Block – Manickchak, District – Malda, even though she was not eligible for the said post.

Mr. Banerjee, learned counsel, appearing on behalf of the writ petitioner submits that the said appointment has been granted in violation of the eligibility criteria with regard to resident of ASHA Karmee. Despite the fact that the private respondent no.4 was not a resident of the village concerned, she was appointed as the ASHA Karmee for the said village. He relies upon a communication issued by the Pradhan, Manikchak Gram Panchayat on August 6, 2022 in support of his contention. He also refers to the voter list submitted by the private respondent no.4 for contending that the husband’s name of the private respondent has wrongly been stated.

Despite service, none of the respondents are represented.

In any event, this Court finds that the dispute

between the petitioner and the private respondent no.4 is in the nature of a private dispute and not maintainable in a proceeding under Article 226 of the Constitution of India even though in the garb of investigation being prayed to be conducted by respondents, the petitioner has sought to give it a public colour. The real prayer is for cancellation of the appointment of the private respondent no.4. For invoking the writ jurisdiction the petitioner has to show that she has a legal right and that right has been violated by the authorities. The petitioner was unfortunately not been able to show any such violation.

Accordingly, the writ petition, being **WPA 20712 of 2022**, is **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

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

(Lapita Banerji, J.)