

14.9.2022
Sl.No.34
Ct.19
sn

WPA 20791 of 2022

**Ruksana Bibi @ Ruksana Khatun
Vs.
The State of West Bengal & Ors.**

**Mr. Hafizur Rahaman
..for the petitioner
Mr. Pantu Deb Roy
Mr. Pannalal Bandopadhyay ..for the State**

Let the affidavit of service be taken on record.

The petitioner was initially appointed as an Asha Karmi. The appointment of the petitioner was cancelled by the order of the District Magistrate, South 24 Parganas, dated July 16, 2010.

The petitioner approached this Court. A coordinate Bench directed the Principal Secretary, Health and Family Welfare Department, Government of West Bengal, to decide the dispute. The Principal Secretary upheld the order of the District Magistrate, cancelling the appointment of the petitioner.

Now, the petitioner has approached this Court for an order upon the State authorities to appoint the petitioner as a Asha Worker in another booth/sub centre which has been allegedly established in village Tala.

The petitioner does not have any right of appointment. The engagement of the petitioner in 2009 on the strength of a selection process, was cancelled in 2010. The petitioner cannot claim any

right after twelve years, even if a sub centre or booth has been newly established in village Tala.

The correctness of such statement, is not available on record. Any engagement to any post must be in accordance with law, by open advertisement and upon granting adequate opportunity to the eligible candidates. The prayer of the petitioner, if allowed, would deprive other eligible candidates. However, if there is any selection process to fill-up any post of Asha Worker in any booth or sub centre in village Tala, the petitioner shall have the right to participate in such selection process, along with other eligible candidates, provided that the petitioner is otherwise eligible.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)