

S/L 7
26.09.2022
Court. No. 19
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W.P.A. 21321 of 2022

Lopamudra Panda (Dakuya)
VS
The State of West Bengal & Ors.

Mr. Dibyendu Chatterjee
Ms. Piyali Paul ... for the Petitioner

Mr. Prasanta Giri
Ms. Sanjukta Samanta ..for the State

Mr. Soumik Ganguly
Mr. S. Nandy ..for the respdt.6

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

The petitioner has challenged the engagement of
the respondent no.6 as an Asha Karmee in the village
of Shyampur under Janka Gram Panchayat. The first
submission is that the the petitioner has secured
higher marks in the madhyamick examination than
the respondent no.6. It is submitted that 90%
weightage to the madhymik examination and 10% to
the viva voce, was not given at the selection. It is
submitted that as the petitioner secured higher marks
in the madhyamik examination, it was impossible for
the respondent no.6 to be selected only on the basis of
10% of the total marks of the viva voce.

The next submission of the petitioner is that
neither any merit list nor any panel indicating the
marks obtained by the candidates had been published.

It is further submitted that the respondent no.6 is a resident of Shyampur Uttar and she got engagement as a Asha Karmee in Shyampur Dakshin.

Mr. Ganguly, learned advocate for the respondent no.6 submits that the writ petition does not indicate the marks obtained by the petitioner and the respondent no.6. There are no documents to show that the respondent no.6 was a resident of Shyampur Uttar and thus not entitled to be engaged as Asha Karmee in Shyampur Dakshin. He further submits that in the writ petition, the allegation is that the information sought for under the Right to Information Act, had not been supplied. According to Mr. Ganguly, the scope of the writ petition cannot be enlarged from the bar.

The State respondents have filed a statement of facts in the form of instructions prepared by the Block Development Officer, Khejuri-II Development Block, dated September 26, 2022. It appears that the notice for recruitment was issued in terms of memo dated June 27, 2012 of the State Mission Director, National Rural Health Mission, West Bengal. The Block Development Officer, Khejuri-2 Development Block issued the recruitment notice. The advertisement was widely published in the 'Sambad Pratidin' and 'Business Standard. The total number of proposed vacancy as per Block Medical Officer of Health,

Khejuri-2 Development Blok was 18. The total number of vacancy to the post of Asha under village Shyampur within Janka gram panchayat was, 02. All applications relating to recruitment of Asha was received by the Block Development Officer and forwarded to the Sub Divisional Officer, Contai. A selection committee was constituted comprising of 05 members.

It is specifically submitted by the authority that the respondent no.6 was residing at Shyampur and was eligible to apply, as no distinction was made between Shyampur Uttar and Shyampur Dakshin, with regard to the place of residence of the candidates. The requirement was that the candidates must hail from Shyampur.

With regard to the fate of the selection process and with regard to the allegations of non-publication of merit list/panel, the Block Development Officer is completely unaware.

The petitioner has approached the Sub Divisional officer, Contai, seeking some information.

This Court is of the view that the petitioner must make a detailed representation before the Sub Divisional Officer, Contai, with her allegations.

The petitioner, the respondent no.6 and any other interested person shall be heard by the Sub Divisional Officer, Contai.

A reasoned order shall be passed and communicated to all.

The entire exercise shall be completed within a period of three months from the date of receipt of the complaint of the petitioner.

The court has not gone into the merits of the claims and counter claims of the parties.

The writ petition does not reflect that the allegations have been made on the basis of any supporting documents.

A copy of the report be kept on record.

Accordingly, the writ petition is disposed of.

A copy of the writ petition along with a server copy of this order be served upon the Sub Divisional Officer, Contai.

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.)