

23.9.2022
Sl.No.123/sn

WPA 21429 of 2022

Rajina Khatun
Vs.
The State of West Bengal & Ors.

Mr. S.P. Lahiri
Mr. A. Ganguly ..for the petitioner

The B.M.O.H. Pandua Rural Hospital is directed to dispose of the representation of the petitioner seeking lien from the post of Asha Karmee in Vitasin Sansad under Simlagarh Vitasin Gram Panchayat.

The petitioner refers to the third proviso to Section 9 of the West Bengal Panchayat Act, 1973 and the government order no.212/SS/PN/O/IE-6/12(part-1) dated June 1, 2013 issued by the Department of Panchayat & Rural Development, Government of West Bengal.

The joint Secretary, West Bengal State Election Commission gave a clarification to the Additional District Magistrate (Panchayat) Howrah, indicating that the above-mentioned order would be applicable in this case. The petitioner had served as Asha Karmee. The petitioner contested the panchayat election in 2018. The petitioner was elected as an office bearer/pradhan of Vitasin Gram Panchayat.

The petitioner prays that this Court must pass necessary orders granting lien from the post of ASHA, in view of the provisions of law and the office order referred to hereinabove.

This Court is of the view that justice would be sub-served if the Block Development Officer is directed to consider the prayer for lien made by the petitioner, by applying the relevant provisions of law and office memoranda and the clarifications in this regard. Although, the petitioner is apprehensive that the post which the petitioner was holding as Asha Karmee would be filled up soon, there is nothing on record in support of such apprehension.

Thus, this Court is of the view that if any action is taken in the meantime, the same shall be abide by the B.H.M.O. There appears to be an urgent need for a decision with regard to the prayer for lien of the petitioner. The concerned authority is directed to dispose of the representation being Annexure P/4 at page 25 of the writ petition, in accordance with law.

An opportunity of hearing shall be given to the petitioner and all interested parties.

A reasoned order shall be passed and communicated to all.

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

The petitioner is directed to serve a copy of the writ petition along with a server copy of this order upon the concerned authorities.

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.)