

S/L 11
21.09.2022
Court. No. 19
GB

W.P.A. 21435 of 2022

Uma Khan (Mandal)
VS
The State of West Bengal & Ors.

Mr. Pinaki Ranjan Chakraborti.

...for the Petitioner.

*Mr. Jahar Dutta,
Mr. Bipin Ghosh.*

...for the State.

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

Despite service, none appears on behalf of the respondent no.8.

The petitioner alleges that the respondent no.8 was illegally appointed as an ASHA worker in Nischintapur Health Centre. According to the petitioner, 90 per cent weightage was not given to the petitioner's Madhyamik examination. It is alleged that the respondent no.8 had secured less marks than the petitioner in the Madhyamik examination and as such, there was no reason for appointment of the said respondent no.8. The petitioner further alleges that the result of the selection process had not been officially published. The petitioner has reason to believe that the engagement of the respondent no.8 was not in accordance with the rules and the merit list.

The learned advocate for the State respondents submits that the writ petition is based on surmise and conjecture. Not a single piece of paper has been annexed to the writ petition, which could indicate that the respondent

no.8 had secured lower marks than the petitioner in the Madhyamik examination. There is nothing on record to show that the authorities had not given 90 per cent weightage to the marks secured by the candidates in the Madhyamik examination. He prays that the writ petition be dismissed without any orders.

Admittedly, the allegations of the petitioner is not supported by any documentary evidence. It would not be correct for a writ Court to review the selection process, especially when the unsuccessful candidate has come before the Court, without any materials. The records annexed to the writ petition do not indicate that the allegations are either correct or based on facts and documents. Unless there are blatant violations of the rules by the selection committee or there is a defect in the selection process or there are allegations of favouritism and mala fide, the writ Court cannot interfere with the selection process.

Under such circumstances, the writ petition does not warrant any interference. However, if the petitioner can produce evidence in support of her contentions, she may approach the concerned District Project Officer, Integrated Child Development Project, Bankura with her allegations. If such representation is filed, the same shall be considered and disposed of in accordance with law, upon hearing all interested parties, including the respondent no.8.

This order shall not be construed as an observation of the Court on the correctness of the allegations of the

petitioner or on the capability or eligibility of the respondent no.8 to be appointed as an ASHA worker.

All points which have been raised in this writ petition, shall be raised by the petitioner before the concerned authority.

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.)