

16.11.2022
Sl. No.12(DL)
srm

W.P.A. No. 22932 of 2022

Kanak Paul & Ors.

Versus

The State of West Bengal & Ors.

Mr. Uday Narayana Betal,
Mr. Dhananjay Banerjee,
Mr. Arup Kumar Bhowmik,
Mr. Samrat Chowdhury

....for the Petitioners.

Mr. Rezaul Hossain

...for the State-respondents.

Despite service, none appears on behalf of the respondent No.10. Affidavit-of-service is taken on record.

The petitioners appeared at an interview pursuant to an advertisement for filling up the post of ASHA in Manikchak Development Block in the district of Malda.

The petitioners have annexed the letters issued by the Sub-Divisional Officer, Malda Sadar dated June 8, 2015, by which the petitioners were called for an interview. The petitioners claim to have appeared at the interview on June 22, 2015 and June 23, 2015.

The allegation is that the selection process for 67 vacancies in Manikchak Block in the post of ASHA, had not been reached to its logical conclusion and no result of the same had been published.

The petitioners allege that the interview was neither cancelled nor abandoned by the competent authority.

According to the petitioners, some of the old vacancies have been carried forward and a new recruitment process *vide* Memo dated July 5, 2022 has been initiated. It is submitted that the interviews have already been held, but final appointments have not been granted.

The petitioners sought information under the Right to Information Act and approached the authorities on various occasions. The petitioners lastly by a letter dated August 17, 2022 requested the Block Medical Officer of Health, Manikchak Rural Hospital, Malda to provide information with regard to the earlier recruitment process initiated pursuant to the advertisement dated December 18, 2013.

As the panchayat authorities did not supply any information, the petitioners once again approached the Sub-Divisional Officer, Malda Sadar by filing a representation dated August 18, 2022 for information with regard to the earlier selection process.

Under such circumstances, this Court is of the view that the Sub-Divisional Officer, Malda Sadar must dispose of the representation of the petitioners within a period of four weeks from the date of communication of this order

upon giving an opportunity of hearing to a representative of the petitioners and also the concerned Block Medical Officer of Health Manikchak Block. A reasoned order shall be passed and communicated to the petitioners.

The issues which shall be decided by the Sub-Divisional Officer are as follows:-

- (a) Whether the selection process, which was initiated earlier, by the advertisement dated December 18, 2013, had been concluded or not.
- (b) If the selection process had reached its logical conclusion, how many candidates were given appointments as ASHA in respect of the said block.
- (c) The marks obtained by the petitioners at the interview.
- (d) Marks obtained by the last appointed candidate.
Whether the marks of the petitioners were lower than that of the last empanelled candidate.
- (e) Whether all the advertised posts could be filled up from the list of successful candidates, who had participated on some vacancies or had been carried forward to the next selection process.

In case the recruitment process was not completed but was either cancelled or abandoned, then the reason for such cancellation shall be disclosed.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)