

14.12.2022
Sl.No.40
Ct.19
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WPA 25071 of 2022

Murshida Khatun(Halder)
Vs.
The State of West Bengal & Ors.

Mr. B.P.Mondal
Mr. Sukanta Mondal
..for the petitioner

Mr. Rezaul Hossain
..for the State

Mr. Pankaj Halder
Mr. Sanatan Panja
Mr. Tapas Manna
..for the respdt.8

The petitioner is aggrieved by the selection of the respondent no.8 as Asha, for Chhotoghoradal Gram Sansad sub centre. The petitioner alleges that the respondent no.8 was appointed as a Scheduled Caste candidate, although, in the advertisement inviting applications for participation in the recruitment process, the post was unreserved.

The learned advocate for the respondent no.8 submits that the petitioner applied in response to a notification dated November 27, 2013. The vacancy against which the petitioner applied was for unreserved category candidates. It is submitted that the respondent no.8 applied for the post of Asha pursuant to a notification dated February 26, 2018 and as such the petitioner cannot maintain the writ petition by challenging the selection of the respondent

no.8. It appears that the respondent no.8 was appointed and approved as an Asha in respect of Laxminarayanpur Dakshin GPHQ sub centre. Such approval was given by the Mission Directorate, NHM & Secretary to the Government of West Bengal by a letter dated December 9, 2020. The joining letter has also been produced before this Court.

Learned advocate for the State respondents submits a report in the form of instructions prepared by the Sub Divisional Officer, Diamond Harbour. It appears that the petitioner applied for the recruitment process of Asha pursuant to the notification dated November 27, 2013. Such application was filed on January 3, 2014. The area covering the sub centre was Chotoghoradal under Laxminarayanpur Gram Panchayat.

The vacancy against which the petitioner applied was unreserved. The petitioner was allowed to appear at the interview which was held on March 11, 2015. The marks were calculated on the basis of the Madhyamik examination or an equivalent examination and performance at the interview. The results were declared. The percentage of marks obtained by Sabina Khatun (Gayan) was 49.13 and the petitioner secured 38.38. Finally, Sabina Khatun(Gayen) having secured the highest marks was

approved and selected. The petitioner was unsuccessful in the selection process of 2013.

The petitioner again applied for the post of Asha pursuant in the selection process of 2018. Two vacancies were notified for schedule caste candidates. One for Baro Ghoradal and the other for Laxminarayanpur. The petitioner was allowed to participate at the interview held on November 28, 2018. On the basis of parameters and the marks obtained by the candidates, Krishna Halder i.e. the respondent No.8 scored highest marks. Krishna Halder was given appointment by the Chief Medical Officer of Health and the appointment was approved.

With regard to the petitioner's allegation of non supply of information under the Right to Information Act, 2005, the categorical submission of Sub Divisional Officer, Diamond Harbour, is that the petitioner's queries were duly answered vide office memo no. 975/1 dated September 28, 2018.

Again, by another memo dated June 27, 2022, the petitioner was supplied some information from the office of the Chief Medical Officer of Health, Diamond Harbour Health District.

Under such circumstances, the allegation of the petitioner that the respondent no.8 being a schedule caste was wrongly appointed against a general vacancy, does not appear to be correct. The petitioner

appeared at the interview as a schedule caste candidate, but was unsuccessful. Both applied under the reserved category. The petitioner has suppressed the fact in the writ petition.

Nothing further remains to be decided in this writ petition.

The written instructions are taken on record.

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.)