

14.12.2022
Sl.No.42
Ct.19
sn

WPA 25115 of 2022

Sujila Khatun Bibi
Vs.
The State of West Bengal & Ors.

Md. Manuwar Ali
Ms. Moumita Karmakar
..for the petitioner

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

Despite service, none appears on behalf of the respondent no.9. This is the second occasion. Let the affidavit of service be taken on record. The writ petition is taken up in the absence of the said respondent.

The report filed by the Sub Divisional Officer, Domkal is comprehensive. On December 9, 2022, the Sub Divisional Officer, Domkal directed the Block Development Officer, Domkal to conduct a field enquiry with regard to the residential status of Sathi Mondal. Whether Sathi Mondal was a resident of the Asha area, that is, Gokulchak Purbapara or not, was the point for enquiry.

The Block Development Officer, Domkal submitted a report before the Sub-Divisional Officer. It was established that Sathi Mondal was not a resident of the Asha area, that is, Gokulchak Purbapara. The operative part of the report is as follows:-

12. Taking cognisance of this enquiry report undersigned has recommended termination of Sathi Mondal to the Chairperson, Sub divisional Level of ASHA selection committee and District Magistrate and selection of next candidate as per Proforma P-1 vide memo no. 1990/HC-1/RM-V/Dom dated 13/12/2022.

13. Separate enquiry will be conducted with respect to the erroneous report submitted from Block end with respect to residential status of Sathi Mondal.

The Sub Divisional Officer, Domkal, by a letter dated December 13, 2022 requested the Chairperson, Sub Divisional Level Asha Selection Committee and the District Magistrate, Murshidabad, to recommend the termination of Sathi Mondal and for further steps for the selection of the next candidate as per Proforma P-1. Request was also made for an enquiry in respect of an earlier erroneous report which had been received from the Block.

Under such circumstances, nothing further remains to be decided in this writ petition.

The authorities shall act and proceed in accordance with law and strictly in accordance with the rules for selection of ASHA, in view of the specific finding that the respondent no.9 was not eligible to be appointed and her engagement should be terminated.

Upon verification of the EPIC card, the Block Development Officer reported that Sathi Mondal was a voter of part 257 in the voters' list for the Assembly Constituency under Domkal Block. The said part relates to Paschim para in Gokulchak village which

was not the defined ASHA area for Per Raghunathpur Sub-centre.

The authority shall take steps within a period of two months from the date of communication of this order.

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.)