

20.12.2022
Court No. 19
Item no.52
CP

WPA No. 25344 of 2022

Anita Roy
Vs.
The State of West Bengal & Ors.

Mr. Rudranil De
Mr. S. Bhattacharyya
Mr. Ziaul Haque

...for the petitioner.

Mr. Saibal Acharrya
Mr. Pradip Paul
Mr. Sudip Kushari

...for the respondent no.6.

Mr. Rezaul Hossain

...for the State.

Affidavit of service is taken on record.

The petitioner alleges that the respondent no. 6 was wrongly selected as an Asha for the sub-centre bearing Code No. 14, having the service area of Karak Para and Kumar Para (booth – 159 Radhaballavpur).

The allegation is that even if the respondent no. 6 belonged to Radhaballavpu Village, the name of the selected candidate ought to appear in the electoral roll of the Assembly Constituencies, for booth no. 159.

Mr. Acharya, learned advocate appearing on behalf of the respondent no. 6, submits that the notification says that the applicant must be from the same village/service area. He urges that the

residential status did not limit the participation of candidates to only the boundary/service area of places under booth no.159. Admittedly, the petitioner and the respondent no. 6 both reside within the same village in which the sub-centre is located. The respondent no. 6 satisfied the eligibility criteria with regard to the residential status.

Learned advocate for the State respondents has filed instructions from the Block Medical Officer of Health which is also in sync with the submissions made by Mr. Acharya. The Block Medical Officer of Health has stated that the respondent no. 6 performed better at the interview and was selected as the respondent. The candidate hailed from the Radhaballavpur Village.

Be that as it may, as the Sub-Divisional Officer is the ex officio member secretary of the Asha Selection Committee, this court is of the view that the said authority must decide the controversy by treating the writ petition as a representation and disposing of the same in accordance with law.

The petitioner and the respondent no. 6 shall be heard. A reasoned order shall be passed and communicated to all.

On the basis of such decision, steps shall be taken as per the ASHA selection Rules.

This court has not gone into the merits of the issues involved and leaves it to the competent authority to decide the eligibility of the respondent no. 6 and whether the requirement as per the notification with regard to the residential status had been fulfilled by her.

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

As no affidavit has been called for, the allegations levelled against the respondents are deemed to have been denied.

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.)