

M/L 53
20.12.2022
Court. No. 19
GB

W.P.A. 25345 of 2022

Sabiya Khatun
VS
The State of West Bengal & Ors.

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

...for the Petitioner.

Mr. Rezaul Hossain.

...for the State.

Mr. Tamal Nag.

...for the Respondent No.6.

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

The petitioner alleges that the respondent no.6 is not a permanent resident of Tintina village and lives outside the boundary of the ASHA area mentioned in the notification.

The learned advocate for the respondent no.6 submits that both the petitioner and the respondent no.6 are residents of Tintina village and as such, the residential status as per the notification has been fulfilled by the respondent no.6, who has already been engaged as an ASHA.

The learned advocate for the State respondents submits that ten persons applied for the post of ASHA in respect of the sub-centre at Uttar Battala. Four applications were found valid. The respondent no.6 was the successful candidate and was the first empanelled candidate. It is submitted that the respondent no.6 being the best amongst three, was selected in accordance with law. He further submits that the ASHA area cannot be defined by

boundaries. The village to which the sub-centre caters, must be the zone for consideration of the residential status.

These disputed questions of facts cannot be decided by the Court. It is entirely within the jurisdiction of the selection committee to decide whether the selected candidate met the eligibility criteria as per the notification.

The writ petition is disposed of with a direction upon the Sub-Divisional Officer, Jangipur, to treat the writ petition as a representation and dispose of the same in accordance with law. A reasoned order shall be passed and communicated to all concerned. Before passing the order, the petitioner, the respondent no.6 and all other interested parties, shall be heard.

This Court has not gone into the merits of the claim and counter-claim of the parties.

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

The petitioners will serve a copy of the writ petition along with a server copy of this order upon 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.)