

M/L 56
21.12.2022
Court. No. 19
GB

W.P.A. 25350 of 2022

Rehena Parveen
VS
The State of West Bengal & Ors.

Mr. Rudranil De,
Mr. Ziaul Haque

...for the Petitioner.

Mr. Rezaul Hossain

...for the State.

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

None appears on behalf of the respondent no.6. The affidavit-of-service also indicates that the respondent no.6 has been served. On the direction of this Court dated December 20, 2022, the learned advocate on record for the petitioner also intimated learned advocate Ms. Mrinalini Majumdar that the matter would be taken up today. Yet, none appears on behalf of the said respondents. However, as the Court is not inclined to pass any mandatory directions but is relegating the matter to the Sub-Divisional Officer, Jangipur for a decision, the writ petition is taken up in her absence.

The state respondents has filed a statement of facts, from which it appears that the petitioner and the respondent no.6 along with three other applicants were found eligible to appear at the interview. After scrutiny of their documents, the interview was held. It has been stated that the respondent no.6 fulfilled the eligibility criteria. That as per

the final merit list, the respondent no.6 had secured the highest marks.

The statement of facts indicate that the respondent no.6 had fulfilled the eligibility criteria with regard to the residential status. The specific allegation of the petitioner that the respondent no.6 was not a resident within the boundary of the ASHA area Arjunpur, as per the notification, has not been dealt with.

The writ petition is disposed of with a direction upon the Sub-Divisional Officer Jangipur, to treat the writ petition as a representation and pass a reasoned order upon hearing the petitioner as also the respondent no.6. The only issue to be determined would be whether the criteria as per the notification dated January 3, 2022 read with the vacancy list published for engagement of ASHA, with regard to residence had been fulfilled by the respondent No.6.

This Court has not gone into the disputed questions of facts and the authority shall decide the entire issue independently and in accordance with law.

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

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.)