

22.12.2022
Sl. No.5(DL)
srm

W.P.A. No. 25003 of 2018
Smt. Purnima Mondal (Naskar)
Versus
The State of West Bengal & Ors.

Mr. Ramdulal Manna,
Ms. Manju Manna (Dey),
Mr. Sabyasachi Mondal,
Mr. Sayan Mukherjee

....for the Petitioner.

Ms. Tuli Sinha

...for the State-respondents.

Affidavit-of-service is taken on record.

By way of a supplementary affidavit, the petitioner has annexed a representation made to the Chief Medical Officer of Health, South 24-Parganas. The same is taken on record.

The petitioner prays for being allowed to join her duties as an Accredited Social Health Activist (ASHA) at the East Gabberia Primary Health Centre.

The petitioner was engaged on and from June, 2009. The petitioner contested the panchayat elections and was elected as the Pradhan of Chaltaberia Gram Panchayat, District-South 24-Parganas. Due to her health conditions, the petitioner resigned for the post of Pradhan on July 28, 2021.

As per the government norms, the office bearer of a gram panchayat could not hold any other office of profit during such tenure. The petitioner contends that she applied for leave with effect from August 31, 2018. Subsequently, the petitioner prayed for being allowed to join her duties as an ASHA in view of the resignation from the post of the Pradhan. The petitioner also relies on documents to show that she had not taken any remuneration during such tenure as Pradhan which would have otherwise been available to her, as an ASHA.

The writ petition is disposed of with a direction upon the Chief Medical Officer of Health, South 24-Parganas to dispose of the annexure P-8 to the supplementary affidavit in accordance with law, upon granting an opportunity of hearing to the petitioner.

A reasoned order shall be passed and communicated to all.

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

This Court has not gone into the merits of the claims of the petitioner and the entire issue shall be decided independently.

A copy of the writ petition and the supplementary affidavit along with a server copy of this order be served upon the Chief Medical Officer of Health, South 24-Parganas.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)