

13.12.2022
Sl. No.5(DL)
srm

W.P.A. No. 26700 of 2022

Rejina Khatun

Versus

The State of West Bengal & Ors.

Md. Manuwar Ali,
Ms. Moumita Karmakar

....for the Petitioner.

Mr. Rezaul Hossain

...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent No.9.

As the Court is not inclined to pass mandatory directions as prayed for, but is relegating the matter before the competent authority, the writ petition is taken up in her absence.

The petitioner alleges that the respondent No.9 was wrongly engaged as an Accredited Social Health Activist (ASHA) to the sub-centre at Banipur situated within village Kankuria in Sagerpukur. The petitioner relies upon her residential status and the voters' list to substantiate that she hails from village Kankuria. Documents in support of such claims have also been annexed to the writ petition.

On the other hand, it is alleged that the respondent No.9 hails from village Masumnagar. The petitioner submits that Masumnagar is outside the boundary of the ASHA area, namely, Sagerpukur. The vacancy list annexed to the notification for engagement of ASHA has been annexed. It appears that the name of the sub-centre is Banipur. The name of the ASHA area is Kankuria and the boundary of the ASHA area is Sagerpukur. The notification has been relied upon in order to show that a resident of the ASHA area in which the sub-centre is situated, would only be eligible for being considered as an ASHA.

This is a disputed question of fact which cannot be decided by the writ court. The respondent No.9 has already been engaged. It is expected that such engagement has been made upon consideration of the eligibility criteria with regard to the residential status of the respondent No.9, as well.

In any event, as the petitioner has raised a question with regard to such residential status, the Court deems it fit to direct the Sub-Divisional Officer, Jangipur Sub-Division, Murshidabad to treat the writ petition as the representation of the petitioner and dispose of the same in accordance with law.

A reasoned order shall be passed upon hearing the petitioner as also the respondent No.9. The reasoned order shall be communicated to all.

Steps shall be taken, strictly in accordance with law.

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

This Court has not gone into the merits of the allegations. The issues raised shall be decided independently and on the basis of the records.

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.)