

19.12.2022
Sl. No.4(DL)
srm

W.P.A. No. 26708 of 2022

Marzina Khatun

Versus

The State of West Bengal & Ors.

Ms. Shabana Hasin,
Mr. Mobaidur Hossain

....for the Petitioner.

Ms. Sipra Majumdar,
Ms. Prativa Ghatak

...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent Nos.8 and 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 their absence.

The petitioner alleges that the respondent No.9 was wrongly engaged as an Accredited Social Health Activist (ASHA) at the Poiladanga sub-centre, which caters to Dakshin Faridpur (Booth 199). Referring to the Electoral Roll prepared for the Assembly Election, it is submitted that the selected candidate does not belong to the same residential area in respect of which the vacancy had been announced.

The petitioner's contention is that she was the only candidate having the proper residential status in terms of the notification.

These disputed questions of fact cannot be gone into by the writ court. The petitioner shall file a representation before the Sub-Divisional Officer, Domkal, Murshidabad along with all necessary documents in support of such contention. If such representation is filed, the same shall be disposed of upon hearing the petitioner as also the respondent No.9.

A reasoned order shall be passed and communicated to all. Steps shall be taken, strictly in accordance with law on the basis of what transpires at the hearing.

The entire exercise shall be completed within a period of eight weeks from the date of receipt of the petitioner's representation.

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.)