

19.12.2022
Sl.No.15
Ct.19
sn

WPA 27404 of 2022

**Nazma Khatun @ Nazma Bibi @ Nazma Mondal
Vs.
The State of West Bengal & Ors.**

**Mr. Sunny Nandy
Md. Baharuzzaman
Mr. Tamal Sinha Roy
..for the petitioner**

**Mr. Tapan Kr. Mukherjee
Ms. Saheli Mukherjee
..for the State**

Despite service, none appears on behalf of the respondent no.9. As this Court is not inclined to pass any mandatory direction adverse to the interest of the respondent no.9, the matter is taken up in her absence. Let the affidavit of service be taken on record.

The petitioner alleges that the respondent no.9 was wrongly appointed to the post of Asha in Karuigachi Sub Centre within Sansad No. 16 under Pipregachi Gram Panchayat. The petitioner submits that the respondent no.9 is not a permanent resident of Sansad No. 16. It is alleged that the said selected candidate is a resident of Sansad no.17.

These are disputed questions of facts which cannot be gone into by the writ court. Hence, no mandatory direction can be passed in this writ petition.

Under such circumstances, this writ petition is disposed of with a direction upon the Sub Divisional Officer, Krishnanagar Sadar, to treat the writ petition as a representation and dispose of the same, in accordance with law.

The petitioner and the respondents shall also be heard and a reasoned order shall be passed and communicated to all. If the allegations of the petitioner are proved to be correct, steps shall be taken by the authority in accordance with the selection rules for engagement of Asha.

This Court has not gone into the merits of the claims and counterclaims of the parties and the authorities 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.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)