

42 09.02.2022
rkd Ct.15

W.P.A. 30116 of 2014
(Through Video Conference)

Mst. Manuara Khatun & Anr.
-vs-
The State of West Bengal & Ors.

Mr. S. P. Lahiri,
Mr. Munjel Alam,
Md. Habibur Rahman

....for the petitioners.

Mr. Ziaul Islam,
Mr. Abdus Salam

....for the State.

The present writ petition is preferred by two candidates who participated in the selection process initiated by the concerned respondent authorities for appointment in the post of Accredited Social Health Activist (ASHA) in Dihgolgaoun Sub-centre under Gram Panchayat Rasakhowa-I in Karandighi Block in the district of Uttar Dinajpur. For non-consideration of the candidature of the writ petitioners previously one writ petition was filed being WPA 8092(W) of 2008 which was disposed of vide order dated 14th June, 2013 whereby a coordinate Bench directed the Chief Medical Officer of Health, Uttar Dinajpur being the respondent no.3 to consider and dispose of the representation made by Mst. Manuara Khatun. Pursuant to the said order dated 14th

June, 2013 the respondent no.3 took up the matter and passed a reasoned order contained in Memo No.2497 dated 1st August, 2014. The said reasoned order is at page 24 of the writ petition wherefrom it appears that Mustary Khatun and Manuara Khatun being the petitioner nos.2 & 1 herein were found fit to be appointed in the said post of ASHA in Dihgolgaoun Sub-centre under Gram Panchayat Rasakhowa-I in Karandighi Block.

Mr. Lahiri, learned advocate representing the petitioners submits that the present writ petition has been preferred, *inter alia*, seeking appointment of these two writ petitioners on the strength of the decision of the respondent no.3 as contained in the Memo dated 1st August, 2014.

Mr. Islam, learned advocate appears on behalf of the State respondents and submits that pursuant to the order passed by a coordinate Bench on this writ petition one affidavit has been filed on behalf of the respondents though the affidavit is not found on record, Mr. Lahiri has submitted copy of the said affidavit affirmed on 22nd December, 2017 which is taken on record.

On perusal of the said affidavit, it appears that vide Memo dated 14th December, 2017 Block Medical Officer of Health sought approval in favour

of Manuara Khatun for the said post of ASHA from Additional Mission Director (NHM), Health & Family Welfare Department, National Health Mission. It is submitted on behalf of the respondent authorities by Mr. Islam that in spite of forwarding this Memo dated 14th December, 2017 till date no approval has been accorded by the Additional Mission Director as a result whereof the appointment of the writ petitioners in those posts of ASHA is being held up.

On perusal of the said Memo dated 14th December, 2017 it appears out of two candidates, namely, Manuara Khatun and Mustary Khatun approval was sought for in favour of Manuara Khatun. This Court has sought for clarification from Mr. Islam why the another candidate, namely Mustary Khatun has been left out. However, the Court does not receive any satisfactory answer from the side of the respondents.

In view of the decision taken by the respondent no.3 as it emanates from the Memo dated 1st August, 2014 which appears to be in favour of both the writ petitioners for their appointments in the post of ASHA and subsequently the Additional Mission Director has been approached by the Block Medical Officer of

Health, Karandighi, Uttar Dinajpur vide Memo dated 14th December, 2017 for grant of approval this Court does not find any reason to keep the issue on tenterhooks for indefinite period since the decision was taken in favour of the writ petitioners far back on 1st August, 2014.

In above conspectus, this Court directs the concerned respondent authorities including the Additional Mission Director to grant necessary approval for appointment of both the writ petitioners in the post of ASHA within a period of fortnight from the date of communication of this order and the respondent authorities based on such approval shall appoint the petitioners within fortnight thereafter.

Leave is granted to the advocate-on-record of the writ petitioners to add Additional Mission Director (NHM), Health & Family Welfare Department, National Health Mission as respondent on amending the cause title of the writ petition by tomorrow, 10th February, 2022.

With the above direction, the writ petition stands disposed of.

There shall be no order as to costs.

The learned advocates representing the parties are at liberty to communicate the gist of

this order to the respondent authorities by tomorrow.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)