

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

28.11.2022
Sl. No.13(DL)
srm

W.P.A. No. 2878 of 2022

Kabita Mondal @ Kabita Mandal

Versus

The State of West Bengal & Ors.

Mr. Anirban Banerjee

...for the Petitioner.

Mr. Subir Saha,
Mr. Momenur Rahman

...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner is aggrieved by the initiation of a recruitment process of 2022 for appointment of ASHA under Churabhandar Gram Panchayat, District-Jalpaiguri.

According to the petitioner, although she had participated in a recruitment process initiated in 2015, she was not appointed. Her prayer is that before the recruitment process of 2022 is reached to its logical conclusion, she must be appointed to the vacant post.

Learned Advocate for the State-respondents submits that there was only one vacancy for the post of ASHA in 2015. The petitioner had participated in the recruitment

process of 2015. The petitioner was empanelled as the second candidate. The vacancy was filled up by the first empanelled candidate. The candidate, who was selected, had joined. She resigned after a couple years and hence the said post fell vacant once again. Such vacancy was included in the recruitment process of 2022.

Undoubtedly, a wait listed candidate does not have a claim for appointment. Only if the selected candidate does not join the post, the wait listed candidate may be pushed up to fill in the vacancy. Once the selected candidate joins the post, the wait listed candidate does not have any right. Moreover, a waiting list cannot be alive for more than seven years. Appointment on the basis of a waiting list cannot be a mode of recruitment for filling in vacancies which had occurred after a few years from the date of appointment of the selected candidate.

Thus, the Block Development Officer, Maynaguri Block shall intimate the petitioner within a period of six weeks from the date of communication of this order, the reason as to why the petitioner cannot be appointed to the vacant post on the basis of a waiting list, which was prepared in 2015.

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.)