

03.10.2023
sayandeep
Sl. No. 11
Ct. No. 12

FMA 3943 of 2014

Sima Mondal & anr.
-Versus-
Ratna Mondal (Biswas). & Ors.

Mr. Golam Mostafa
Mr. S. Sabud

.....for the appellants

Mr. Pinaki Dhole
Ms. Tuli Sinha

.....for the State

Md. Manuwar Ali
Ms. Moumita Karmakar

.....for the respondent No. 1

The respondent No. 1 filed writ petition No. 488 of 2010 challenging the selection for the post of ASHA (Accredited Social Health Activities) for the Centre Dhulauri Sub Center under Domkal Block within Dhulauri Gram Panchayat, Murshidabad. The learned Judge set aside the order of selection on the ground that respondent No. 1 was not selected that she is over qualified being a graduate while education qualification prescribed is Madhyamik or equivalent examination. The learned Judge set aside the selection following the Judgment reported in (1996)2 WBLR 2013. The appellants have come up with present appeal challenging the said order. The appellants have raised various grounds specifically that when the first respondent has not challenged the non- selection on the ground of over education qualification, the order of

the learned Judge is erroneous. Learned counsel appearing for the appellant submitted that the first respondent on misrepresentation approached this Court without issuing notice to the appellant to set aside the selection and prayed for setting aside the order of the learned single Judge.

Learned counsel appearing for the respondent No. 1 and learned counsel appearing for the State submitted that as per order of this Court dated 08.04.2010 made in writ petition No. 488 of 2010, fresh selection has been conducted in March 2013. The appellant, first respondent and others participated in the selection process. The first respondent and other candidates were selected and appointed and they are working from the year 2013 in the post of ASHA.

Learned counsel appearing for the appellant did not dispute that the appellant also participated in the subsequent selection and admitted that appellant did not challenge the appointment of first respondent and others.

In view of the subsequent selection and appointment and they are working from 2013, this appeal has become infructuous.

For the above reason, the present appeal is dismissed.

There shall be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(V.M. Velumani, J.)

(Rai Chattopadhyay, J.)