

05.01.2023
Sl. No.861(ML)
srm

W.P.A. No. 3976 of 2021
With
CAN 1 of 2022
Rumpa Mandal
Versus
State of West Bengal & Ors.

Mrs. Munmun Tewary

....for the Petitioner.

Mr. Shamim ul Bari,
Ms. Keya Sutradhar

...for the Respondent No.9.

None appears on behalf of the State-respondents. 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) in a sub-centre under village Jotdoman. The petitioner alleges that the said respondent was not a resident of the said village and as such, the residential criteria, as prescribed in the notification had not been met. The petitioner relies on the voters' list in which the name of the respondent No.9 appears. The respondent No.9 comes from Chobil Para village according to the alleged voters' list.

On the contrary, the petitioner submits that she hails from Jotdoman village and as such she should have been engaged instead of the respondent No.9.

Mr. Bari, learned Advocate for the respondent No.9 denies such submission and submits that the selected candidate belongs to village Jotdoman and as such the allegations are false and frivolous.

These questions of facts cannot be decided by the writ court.

Under such circumstances, the Sub-Divisional Officer, Malda Sadar shall treat the writ petition as the representation of the petitioner and dispose of the same in accordance with law, 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. If it appears that the allegations of the petitioner are correct, then remedial measures shall be taken in accordance with law.

This Court has not expressed any opinion on the merits of the allegation.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

A copy of the writ petition along with a server copy of this order be served upon the Sub-Divisional Officer, Malda Sadar, Malda.

The writ petition is, thus, disposed of.

In view of disposal of the writ petition, the connected application has become infructuous and the same is disposed of accordingly.

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.)