

22.11.2023

Ct. 35
Sd. 29.

WPA 3267 of 2018

Sabina Yeasmin vs. State of West Bengal & Ors.

Mr. Sabir Ahmed
Mr. T. Ahmed
Miss. Suman Biswas ..For the petitioner.

Mr. Avirup Mondal
Mr. Arindam Mitra ..For the State.

Writ petitioner has challenged the selection process and the selection of the private respondent in the post of ASHA Worker, in the Sub-Center, namely, Sujnipara.

Petitioner's specific grievance is that the said post was declared vacant by an advertisement dated 18.11.2013. The post was reserved for OBC Category candidate. Also that the other eligibility criteria for the candidates were stipulated in the advertisement notification, regarding the age and educational qualifications, etc.

According to the petitioner, the private respondent who has ultimately been appointed in the said post has not complied with any of the eligibility criteria and was arbitrarily discriminated by the authorities from being appointed in the post as above. It has also been mentioned that the petitioner has submitted several representations before the various

authorities ventilating her grievance which have also not been considered by the authorities till date. On the said contention and ground, the petitioner has sought for necessary order in this writ petition for redressal of her grievance.

On behalf of the State respondents, however, strong objections have been raised as to the contention and prayer of the petitioner. The reason for such objection being that the guidelines for selection of ASHA candidate dated 27.06.2012 specifies in Clause “B.2” that to be eligible for being an ASHA candidate, the concerned person should be a resident of the same village for which she will be selected. It has been submitted that the present writ petitioner though resides within the jurisdiction of the Sub-Center Sujnipara, is not a resident of Village Sadikpur but of village Sujnipara, where there is no vacancy available. It has further been submitted that the reason for which the private respondent has been appointed, though not being a candidate from the OBC category, is the non-availability of any OBC Category candidate in the said particular village, for which the person was required to be employed, i.e, Sadikpur village.

On perusal of the concerned employment notification, it appears that within the Sub-Center Sujnipara and Village Sadikpur, a vacancy of one OBC candidate for the post of ASHA worker, was declared,

vide the said notification dated 18.11.2013. The petitioner has raised her grievance before the authorities vide several representations having failed to secure an employment, inspite of being duly qualified for the post, which still are unattended and pending.

Under such circumstances, this Court finds it proper to direct the District Magistrate, Murshidabad to afford an opportunity of hearing as regards the representations of the petitioner, dated 03.01.2018 respectively, addressed to the B.M.O.H., Suti- Block – I, SDO, Jangipur and BDO, Suti, Block – I, to all the concerned parties. Upon hearing the parties concerned, the District Magistrate shall pass a reasoned order as regards the prayer of the present petitioner, in the said representations.

The entire exercise as above, shall be completed by the District Magistrate within a period of four weeks from the date of receipt of the copy of this order.

For the purpose of knowledge of the District Magistrate, a server copy of the order would suffice.

With these directions, this writ petition is disposed of, without any order as to costs.

Urgent photostate certified copy of this order be supplied to the parties on priority basis, if applied for.

(Rai Chattopadhyay J.)