

S/L 83
16.02.2023
Court. No. 12
Suvayan

WPA 3213 of 2015

**Smt. China Shit
Vs.
The State of West Bengal & Ors.**

Mr. Malay Bhattacharyya

...for the petitioner.

Ms. Sucharita Roy

...for the State.

Affidavit-of-service as filed on behalf of the writ petitioner be taken on record.

Both the writ petitioner and the State/respondents are represented by their respective learned Advocates.

Since, none appears on behalf of the private respondent in spite of service, the instant writ petition is now taken up for hearing for disposal in absence of the added private respondent No. 9, i.e., Chandana Pramanik.

In the instant writ petition as filed under Article 226 of the Constitution of India, it is the grievance of the writ petitioner that though her name was recommended by the Child Development Project Officer, Sonakukhi, District – Bankura for giving approval to appoint her as ASHA worker in Sub-Centre Bidyadharpur in the allotted village Khoyerboni, Tentulbagan under Dhulai Gram Panchayat to the Health and Family Welfare Department, Government of West Bengal but approval was not given by the said department for no reason whatsoever. It is thus submitted that an appropriate direction may be passed upon the respondent No. 6 authority to give

appointment of the present petitioner as a ASHA worker in the said gram panchayat.

Per contra, learned Advocate for the State draws attention of this Court to a report as filed by the Chief Medical Officer of Health, Bankura on 13.02.2019. It is submitted that admittedly the name of the present writ petitioner was sent for approval to the Health and Family Welfare Department, Government of West Bengal but during enquiry it reveals that the private respondent No. 9 was not called for interview in the selection of the ASHA worker in the said recruitment process in the year 2009, though the private respondent No. 9 was found to be otherwise eligible and fit for appearing in the interview. It is submitted further that on that score the proposed appointment of the present writ petitioner cannot be approved.

On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the writ petitioner and the State/respondents it would reveal from the Annexure-B to the aforesaid report dated 13.02.2019 that the present added private respondent No. 9, i.e., Chandana Pramanik lodged a complaint ventilating her grievance that she was not called for interview on 30.12.2008. It reveals from the report as mentioned above that the private respondent No. 9 had otherwise eligibility to appear in the said interview.

In view of such, this Court finds sufficient merit in the submission of the learned Advocate for the State as to

why the approval for appointment was not given by the Health and Family Welfare Department, Government of West Bengal in the name of the present writ petitioner.

In view of such, this Court proposes to dispose of the instant writ petition in the manner indicated hereunder.

It is directed that the respondent No. 4, i.e., The Chief Medical Officer of Health, Bankura shall ascertain as to whether there exists still any vacancy in the ASHA Centres in the Sonamukhi Block under Gram Panchayat Dhulai in Sub-Centre Bidyadharpur, Village - Khoyerboni, Tentulbagan as initiated in the year 2009 and in the event such vacancy is found still existing, the respondent No. 6, i.e., The Child Development Project Officer, Sonamukhi, District – Bankura shall call for an interview of the present writ petitioner and the added respondent No. 9, i.e., Chandana Pramanik and, thereafter publish the result of the said interview in accordance with law.

It is further directed that the entire process as directed above shall have to be completed within three months from the date of communication of this order.

With the aforementioned observation, the instant writ petition being WPA 3213 of 2015 is disposed of

Parties to act on the server copies of this order.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)