

38.
22.3.2023
S.D.

W.P.A. 4541 of 2023

**Noima Khatun @ Naima Bibi
Vs.
The State of West Bengal & Ors.**

Mr. Bhudeb Chatterjee
... For the Petitioner

Mr. Rezaul Hossain
...For the State

Affidavit of service filed in Court today is retained with the records.

The writ petitioner applied for engagement as an Accredited Social Health Activists (ASHA) Karmee on September 12, 2022. The petitioner was duly called for interview on October 14, 2022.

Mr. Chatterjee, learned counsel appearing on behalf of the petitioner submits that despite the fact that the petitioner obtained 42.24% weightage in the Madhyamik Examination or equivalent and private respondent obtained 31.97% marks in the same category, the private respondent no. 5 was engaged in place and stead of the petitioner.

Mr. Hossain, learned counsel appearing on behalf of the State submits written instruction in Court today.

Such Written instruction is retained with the records.

The writ petitioner is the third empanelled candidate as per the said written instruction.

It appears from the said written instruction that the private respondent was awarded 8.8 out of 10 marks in the interview whereas the petitioner was awarded 4.6 marks in the interview. Therefore, upon calculation and after due weightage, the private respondent was awarded 44.54 whereas the petitioner was awarded 42.61 marks.

Considering the submissions of the parties and materials placed on record, this Court finds that the private respondent got higher marks than the petitioner. She was the highest scorer and, therefore, was engaged as an ASHA Karmee in village Majna, Sub-Centre – Tajpur, District – Purba Medinipur.

In the circumstances, **W.P.A. 4541 of 2023 is dismissed.**

Learned counsel appearing on behalf of the petitioner is permitted to make a copy of the written instruction retained with the records today.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)