

03.08.2023
DL-58
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5299 of 2023

Nasira Bibi @ Khatun
Vs.
The State of West Bengal & Ors.

Mr. Robiul Islam,
Mr. Sk. J. Hossain,
Mr. Raju Mondal

...for the petitioner.

Mr. Rezaul Hossain

....for the State.

Report as handed over in Court today is retained
with the records.

The petitioner participated for engagement as an
Accredited Social Health Activist (ASHA) Karmee
advertised vide Notification No.1/2022 published on
January 3, 2022. The private respondent no.9 was
the first empanelled candidate and was selected as an
ASHA Karmee for the aforesaid *service area*.

The specific grievance of the petitioner is that
despite not belonging to the *service area*, the private
respondent no.9 was given the letter of engagement.
Such selection process is illegal and arbitrary on the
part of the State-respondents.

Upon a report being called for from the
authorities concerned, it transpires that the private
respondent no.9 was not a resident of the *service*
area, for which the vacancy was advertised. Therefore,
the engagement of the private respondent no.9 was
not in accordance with the engagement notification.

From an enquiry report dated May 3, 2023 held by the Block Development Officer, Domkal, it appears that the private respondent does not reside within the ASHA area. However, the second empanelled candidate is a resident of the same *service area*. Therefore, the engagement of the private respondent no.9 was recommended to be cancelled/terminated by the SDO.

Furthermore, the SDO vide letter dated may 16, 2023 required the BDO and BMOH to conduct an enquiry and report why the private respondent no.9 was engaged despite not residing within the said *service area*.

In the light of the submissions made by the parties and the materials placed on record, this Court directs the SDO to immediately terminate the engagement of the private respondent no.9, if not already done and directs the BDO to file an Enquiry Report before the SDO, expeditiously and not later than 2 months from the date of this order for taking appropriate steps against the person(s) responsible for such illegality/infirmity in the engagement.

Accordingly, **WPA 5299 of 2023** is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

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

(Lapita Banerji, J.)