

01.05.2023
Sl. No.13(ML)
srm

W.P.A. No. 6903 of 2023
Smt. Shibani Hansda
Versus
State of West Bengal & Ors.

Mr. Saikat Chatterjee
....for the Petitioner.

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata
...for the State-respondents.

Mr. Amal Kumar Banerjee
...for the Respondent No.5.

Affidavit-of-service is taken on record.

The petitioner alleges that although the respondent No.5 may have secured more marks than the petitioner in the selection process, the selection of the respondent No.5 was irregular and not in accordance with the regulations. The respondent No.5 did not come from the same village in respect of which the vacancy in the sub-centre had been declared and the recruitment process had been held.

The Court finds that such disputed question cannot be decided in this proceeding. The Regulations of 2012 clarify that the candidates have to be a resident of the village in which ASHA area is situated. The advertisement

dated January 13, 2020 also indicates that the candidate has to be a resident of the concerned village or area.

Under such circumstances, the writ petition is disposed of with a direction upon the Sub-Divisional Officer, Rampurhat, Birbhum, to treat the writ petition as the representation of the petitioner and dispose of the issue in accordance with law. During such consideration, the petitioner as also the respondent No.5 will be heard. The parties will be entitled to produce their respective voter cards and/or ration cards in proof of their residential status.

A reasoned order shall be passed and communicated.

Needless to mention, if the engagement of the respondent No.5 is found to be irregular, steps shall be taken in accordance with law.

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

The Court has not gone into the allegations and counter-allegations of the parties.

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

The writ petition is, thus, disposed of.

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.)