

Item No.7
15.05.2023
Court. No. 19
GB

WPA 7012 of 2023

Smt. Bulti Konai
Vs
The State of West Bengal & Ors.

*Mr. Saikat Chatterjee,
Mr. Puranjan Pal*

...for the Petitioner.

*Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata*

...for the State.

Mr. Amal Kumar Banerjee

...for the Respondent No.5.

The petitioner has produced documents which would show that the petitioner is a resident of Village Dakshin Banior. Such documents are the ration card and the voter card.

The vacant village in the instant case is Banior (Konaipara). The report of the authorities indicates that the petitioner got higher marks, but the petitioner did not satisfy the residential status as the petitioner's permanent address did not match the vacant village.

The guidelines of 2012 indicates that the relevant consideration of residential status would be the village in which the sub-centre is situated. The area of the dedicated ASHA sub-centre would not be the guiding factor to decide such residential status. The documents which have been produced by the petitioner indicate that the petitioner is a resident of Dakshin Banior (Konaipara). Such documents, namely, voter card and the ration card have been recently issued.

It is the contention of the petitioner that due to certain mistakes in the previous ration card and voter card, changes were made and the new cards were issued, but the said changes did not alter the actual permanent address of the petitioner.

Under such circumstances, the petitioner is granted liberty to approach the Sub-Divisional Officer, Rampurhat with details of her contentions and supporting documents, including copies of the earlier voter cards, etc. The respondent no.5 shall also be allowed to appear at the hearing to be given by the Sub-Divisional Officer.

Necessary decision shall be taken strictly in accordance with law, by following the guidelines of 2012 for determining the residential eligibility of the petitioner as per the terms and conditions of the advertisement pursuant to which the parties had applied for selection.

The criteria as per the guidelines, is that the person should be a resident of the village in which the sub-centre is situated and not a resident within the boundaries of the service area of the sub-centre, for which the recruitment process had been advertised.

As per the settled law, the authority shall take into consideration the documents of residential proof which were submitted by the petitioner at the time of filing the application for the post of ASHA, pursuant to the advertisement dated January 13, 2020. Those documents would be relevant for consideration of eligibility of the petitioner. If the subsequent documents were mere

corrections of clerical errors and there were no major changes with regard to the permanent address, the same shall also be taken into consideration. A reasoned order shall be passed on the findings to be arrived at by the authority, strictly in accordance with law and the same shall be communicated to all concerned.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)