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29.08.2023
Ct. No. 15
adeb

W.P.A. 6641 of 2018

**Dulu Roy
Vs.
The State of West Bengal & Ors.**

Mr. Bhagbat Chaudhuri
Mr. Mahbub Asfakul Zinna
...for the petitioner

Mr. Jyoti Prakash Chatterjee
Mr. Porikshit Goswami
...for the State

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

Petitioner is a desirous candidate to be engaged as ASHA in Dalimgaon Sub-Centre at Paschim Dalimgaon in the District of Uttar Dinajpur. It has been submitted by the learned advocate representing the petitioner that respondent no. 10 was selected to be engaged as ASHA in the aforesaid Sub-Centre ignoring candidature of the petitioner. According to the petitioner she is a Link Worker and also the resident of the concerned gram panchayat whereas respondent no. 10 is not the resident of concerned gram panchayat. Therefore, in terms of the recruitment notification which is at page 6 of the supplementary affidavit and revised guidelines for selection of ASHA dated 27th June, 2012 the candidature of the respondent no. 10 ought not to have been considered since she is not the resident of the concerned gram panchayat. It is also contended on behalf of the

petitioner that being a Link Worker petitioner should have been given preference in engaging ASHA in the aforesaid sub-centre.

It has been submitted that respondent no. 10 has been selected to be engaged as ASHA in the aforesaid sub-centre and the respondent no. 10 is not represented before this Court in spite of effecting service of notice upon her. This Court finds it appropriate to direct the Chairman of the Sub-Divisional Level Selection Committee and Sub-Divisional Officer, Raiganj being the respondent no. 5 to take decision on the claim of the petitioner relating to engagement as ASHA in Dalimgaon Sub-Centre as applied for by the petitioner as it emanates from page-5 of the supplementary affidavit.

Let such decision be taken within 8 (eight) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and respondent no. 10.

Decision to be taken by the respondent no. 5 shall be communicated to the parties within 1 (one) week thereafter.

However, it is made clear while taking decision the respondent no. 5 shall take into consideration the relevant engagement notification which is at page 6 of the supplementary affidavit as well as revised guidelines dated 27th June, 2012 relating to engagement of ASHA.

With the aforesaid directions the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)