

ML- 25.08.2023
314 Ct.15
rkd

W.P.A. 13464 of 2017

Barnali Das Pramanick

-vs-

The State of West Bengal & Ors.

Mr. Suman Chakraborty

....for the petitioner.

Mr. Pinaki Dhole,
Mr. Suddhadev Adak

....for the State.

The writ petition is heard in presence of the learned advocates representing the petitioner and the State respondents.

During course of hearing Mr. Dhole, learned advocate representing the State respondents has filed supplementary affidavit-in-opposition in terms of the leave granted by the coordinate Bench vide order dated 24th February, 2023. The said supplementary affidavit-in-opposition is taken on record.

The learned advocate representing the petitioner submits that the petitioner is claiming appointment in the post of ASHA in Charigram Sub-Centre, Sahashpur Gram Panchayat, Indas Block, Bankura. It has been submitted on behalf of the petitioner that selection of respondent no.9 as ASHA in Charigram Sub-Centre is illegal in view of the fact that said respondent no.9 is not the local resident. Therefore it has been submitted that since

respondent no.9 was not staying at the concerned gram panchayat she ought not to have been selected and in place of respondent no.9 petitioner should have been selected for the post of ASHA in Charigram Sub-Centre.

The learned advocate representing the State respondents has drawn attention of this Court to village wise vacant position of ASHA under Indas Block, Bankura, at pages 5 & 6 of the supplementary affidavit-in-opposition wherefrom it appears that the vacancy of ASHA under Charigram Sub-Centre is reserved for Scheduled Caste candidate.

It has also been submitted that petitioner is not a Scheduled Caste candidate whereas respondent no.9 is a Scheduled Caste candidate which is corroborated from a document at page 10 of the said supplementary affidavit-in-opposition. Therefore, according to the State respondents petitioner is not entitled to be considered for the post of ASHA in Charigram Sub-Centre since she is not a Scheduled Caste candidate.

Having considered the submissions made on behalf of the respective parties, it appears that the issue is engagement as ASHA in Charigram Sub-Centre, Sahashpur Gram Panchayat, Indas

Block, Bankura.

It has been contended on behalf of the petitioner since respondent no.9 is not a resident of said Sahashpur Gram Panchayat she is not entitled to be engaged as ASHA in Charigram Sub-Centre. Accordingly, since the petitioner is the resident of Sahashpur Gram Panchayat therefore her candidature should have been considered for engagement of ASHA in Charigram Sub-Centre.

However, on consideration of the submission made on behalf of the respondents as well as taking note of the relevant documents as annexed to the supplementary affidavit-in-opposition it appears that the vacancy of ASHA in Charigram Sub-Centre is reserved for scheduled caste candidate. It also appears from page 10 of the supplementary affidavit-in-opposition that petitioner is a General category candidate whereas respondent no.9 belongs to Scheduled Caste category.

Therefore, it transpires that if selection of respondent no.9 for engagement of ASHA is cancelled in that event petitioner would not be adjudged as eligible candidate since she is a general category candidate.

In view of the aforesaid facts and in

consideration of the situation where petitioner being a general category candidate is claiming to be engaged as ASHA against a vacancy which is reserved for Scheduled Caste category candidate, this Court is not inclined to pass order on this writ petition.

Accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)