

April 25, 2023
Sl. No.A 165
Court No.19
s.biswas

WPA 16469 of 2022

Johora Bibi

vs.

The State of West Bengal and others

Md. Yusuf Ali,

Mr. Shahan Sha, Advocate

... for the petitioner

Mr. Razaul Hossain, Advocate

... for the State

The petitioner does not have a vested right to be considered against any vacant post of ASHA solely on the ground that her earlier selection had been cancelled by the authorities.

The petitioner was appointed as ASHA in Paikpara sub-centre. Subsequently, on a complaint by some persons, the said selection was cancelled as the petitioner did not fulfil the residential criteria. The petitioner was a resident of Bahadurpur village.

The petitioner approached this Court against such cancellation, but no orders were passed in favour of the petitioner, by the learned single bench.

During the pendency of the petitioner's appeal, the post in Paikpara was filled up. The Division Bench disposed of the appeal without any orders in favour of the appointment of the petitioner, but with liberty to the petitioner to challenge the subsequent engagement of ASHA at Paikpara sub-centre.

This writ petition has been filed but without any challenge to the appointment of the ASHA in

Paikpara sub-centre as per the liberty granted to the petitioner. The petitioner seeks for a direction upon the authorities to appoint the petitioner as ASHA in Bahadurpur sub-centre, against the resultant vacancy.

This Court finds no merit in the petitioner's contentions. The petitioner's application cannot be allowed by the Court as any appointment to a public post must be made through a proper selection process. If in future any advertisement to fill up the existing vacancy at Bahadurpur village or in any other vacancy in the said village is published, the petitioner shall be at liberty to apply for the post and the candidature of the petitioner will be considered in accordance with law, provided the petitioner fulfils all eligibility criteria, including residential status.

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 server copy of this order.

(Shampa Sarkar, J.)