

28.04.2023  
Court No. 19  
Item 209  
CP

WPA No. 17590 of 2022

Prasantika Parvin  
Vs.  
The State of West Bengal & Ors.

Md. Yusuf Ali

.....for the petitioner.

The petitioner alleges that the respondent no. 9 was wrongly engaged as an Asha against the Sub-Centre situated within Swarupnagar Village under the Begampur Bibipur Gram Panchayat. Reliance has been placed on the notification dated July 13, 2018 being Annexure P-4 at page 25 of the writ petition. According to the petitioner, the respondent no. 9 should have been a resident of the Begampur Bibipur Gram Panchayat in order to be eligible to apply for the post. Allegedly, the respondent no. 9 was a resident within the jurisdiction of Kachua Gram Panchayat and not Bibipur Gram Panchayat.

The petitioner relies on the revised guidelines with regard to selection of Asha dated June 27, 2012, issued by the Department of Health and Family Welfare, National Rural Health Mission, Government of West Bengal. According to the petitioner, Clause E.7 provided that the selection committee must draw up a gram panchayat wise final list with a panel of

three candidates. The interpretation of the clause, according to the petitioner, would be that residential status should also be considered on the basis of the gram panchayat and not on the basis of the village.

The court is not impressed with such submission of the petitioner as the eligibility criteria for being selected as an Asha has been laid down in Clause B of the guidelines of 2012. Clause B.2 clearly provides that the eligible candidate must be a resident of the same village for which she will be selected. It is also an admitted fact that both the petitioner and the respondent no. 9 are residents of Swarupnagar Village. The Asha sub-centre is situated within the village.

The administrative job to be done by the selection committee, i.e., preparation of a panel according to the gram panchayat, does not indicate that the eligibility criteria as per Clause B had been done away with. The petitioner has relied on the said Clause E.7 of the guidelines, whereas the eligibility criteria as per the same guidelines has been prescribed in Clause B. The court cannot go beyond the guidelines and accept the contention of the petitioner.

The writ petition is dismissed.

The notification of 2018, pursuant to which the Asha selection commenced, also indicates clearly that the applicant must be a resident of the village.

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.)**