

13.
21.8.2023
S.D.

W.P.A. 18590 of 2023

**Ajijunnessa Khatun
Vs.
The State of West Bengal & Ors.**

Mr. Moniruzzaman
Mr. Jahangir Badsha
..For the Petitioner

Mr. Jyoti Prakash Chatterjee
...For the State

The petitioner participated in a selection process for engagement of Accredited Social Health Activist (ASHA) Karmee pursuant to a Recruitment Notification dated March 6, 2018. The vacancy arose for Block – Bharatpur –I, Gram Panchayat – Alugram, Sub-Centre – Masla, Service Village – Daspara, Mallickpur, Ghoshpara. It is the case of the petitioner that the private respondent nos. 8 and 9 were sought to be engaged despite the fact that they were not the residents of the *service area*.

Thereafter, upon a previous writ petition being filed such engagements were cancelled. However, despite the fact that the petitioner was the only eligible candidate, being a resident of the same *service area*, she was not engaged.

Mr. Moniruzzaman, learned counsel appearing on behalf of the petitioner relies on an order dated May 15, 2023 passed in W.P.A. 3883 of 2023 (**Jhuma Mondal vs. State of West Bengal & Ors.**) to contend that even though there is only one eligible candidate for the vacancy for ASHA Karmee, the authorities can suitably relax the guidelines and take steps for engaging the petitioner.

Considering the submits of the parties and the materials placed on record, this Court directs the Sub-Divisional Officer (SDO), Kandi, District – Murshidabad to consider the representation dated July 13, 2022 upon giving a personal hearing to the petitioner, within six weeks from date. A reasoned order shall be passed and communicated to the petitioner within two weeks of passing thereof. In the event, the petitioner complies with all other formalities in accordance with law, she shall be considered for engagement to the post of ASHA.

With the directions aforesaid, **W.P.A. 18590 of 2023** is **disposed of.**

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)