

WPA 20798 of 2023

Manasi Ray Porel @ Manasi Porel
vs.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Arghya Kamal Das

...for the petitioner

Mr. Saikat Chatterjee
Ms. Tanuja Basak

...for the State-respondents

The petitioner applied for engagement as an Accredited Social Health Activist (ASHA) Karmee, pursuant to an advertisement dated July 4, 2022. She applied as an unreserved candidate from the village Dhabdhara, sub centre -Dhabdhara, Gram Panchayat- Srerampur, Block – Pursurah, District – Hooghly. The candidate was not called for an interview.

She made an application under Right to Information Act, 2005.

From the reply dated August 22, 2022 given by the State Public Information Officer it appears that the candidature of the petitioner/applicant was rejected since the application form was not filled up by her.

Mr. Mukherjee, learned counsel appearing on behalf of the petitioner submits that the application form was duly filled up by the petitioner. He places reliance on a document annexed at page 23 of the writ petition.

Mr. Chatterjee, learned counsel appearing for the State-respondents submits that out of 23 applications received from the intending candidates only 13 were valid applications. 10 applications were invalid. The petitioner's application was considered to be invalid since the form was not submitted to the authorities concerned. The cause of rejection has been recorded as no filled up application form was submitted by the petitioner.

It is fairly submitted on behalf of the respondents that the supporting documents were received by the State-respondents but the duly filled up application form was not received by them.

The written instructions handed over in Court today are retained with the record.

This Court has no reason to disbelieve the written instructions forwarded by the Block Development Officer, Pursurah Development Block.

Serious disputed questions of facts have been raised by the petitioner. This Court is not willing to go into such disputed questions of facts since the

written instructions clearly evidence the fact that duly filled up application form was not forwarded by the petitioner even though the supporting documents were. Accordingly, **WPA 20798 of 2023 is dismissed.**

Since no affidavits have been called for in the writ petition, the allegations contained therein be deemed not to have been admitted by the respondents.

In the event, Mr. Mukherjee, requests learned counsel appearing for the State to supply a copy of the written instructions, the same may be handed over to him.

All parties shall act on the server copies of this order duly downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)