

30 27.09.2023
SD Ct.25

W.P.A. 22624 of 2023

Firoja Begum

-vs-

The State of West Bengal & Ors.

Mr. Rabiul Islam,
Mr. Raju Mondal,
Mr. Jayed Hossasin,
Mr. K. M. Hossain

....for the petitioner.

Mr. Arjun Roy Mukherjee,
Mr. Subhendu Sen Gupta

....for the State.

The petitioner is working as an Accredited Social Health Activist (ASHA) Karmee at Ghoshpara Gram Panchayat, Sub-centre Ghoshpara, Service Area-Dakshin Ghoshpara, Part No.-232, District-Murshidibad. The petitioner has been continuing her service since her engagement on May 11, 2017.

By an advertisement dated January 3, 2020, a vacancy was advertised for the same service area even though the petitioner was working. Such error was brought to the notice of the Sub-Divisional Officer, Domkal, Murshidabad. By Corrigendum notice dated January 22, 2022 the aforesaid vacancy for the said Sub-centre was withdrawn as it was recorded that an ASHA has already been engaged for the said service area.

Again by a notice dated March 21, 2023, a

vacancy has been shown for the same service area where the petitioner is rendering her service as ASHA.

Mr. Mukherjee, learned counsel appearing on behalf of the State respondents hands over written instructions in Court. The Sub-Divisional Officer called for a Report from the Block Medical Officer of Health (BMOH), Sadikhan's Dearh Rural Hospital regarding the vacancy that was shown by the BMOH for the said service area.

From the Report of the BMOH dated September 21, 2023 it appears that the petitioner is working as an ASHA Karmee in the said service area and there is no need to dismiss her from or discontinue her service.

Considering the rival submissions made on behalf of the respective parties and the materials placed on record, this Court directs that the vacancy shown for the Sub-centre concerned shall be withdrawn and the petitioner's service as an ASHA Karmee shall not be disturbed unless in accordance with law.

With the directions aforesaid, **WPA 22624 of 2023** is **disposed of**.

Since affidavits have not been invited in the present writ petition, the allegations made in the writ petition are deemed not to have been admitted by the parties.

All parties are to act on a server copy of this order 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.)