

S/L 1
09.01.2023
Court. No. 19
GB

W.P.A. 25348 of 2022

Maktuma Khatun
VS
The State of West Bengal & Ors.

Mr. Kartik Das.

...for the Petitioner.

*Mr. Tapas Kumar Mukherjee,
Ms. Saheli Mukherjee.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondent no.6. As this Court is not inclined to pass any mandatory directions but is relegating the matter before the competent authority to decide the issue of eligibility of the respondent no.6 to be appointed as an ASHA in Joyrampur sub-centre, the writ petition is taken up in her absence.

The contention of the petitioner is that the respondent no.6 was not a resident of the ASHA area notified for the aforementioned recruitment. On the contrary, the petitioner submits that the petitioner has such eligibility criteria on the basis of the epic card and ration card.

These disputed questions of facts cannot be gone into by the writ Court as it is presumed that the authority upon being satisfied that the respondent no.6 had met the eligibility criteria, had appointed the said respondent.

However, as the question of eligibility has been raised by the petitioner, without going into the merits of the

allegation made in the writ petition against the respondent no.6, this writ petition is disposed of with a direction upon the Sub-Divisional Officer, Jangipur to treat the writ petition as a representation and dispose of the same in accordance with law. The authority shall decide the issue independently and on the basis of the records as also upon holding an enquiry with regard to the residential status of both the petitioner and the respondent no.6. Both parties shall be allowed to participate in the enquiry and also at a hearing. A reasoned order shall be passed and communicated to all concerned.

If the allegation is proved, remedial measures shall be taken by the Sub-Divisional Officer and all consequential steps shall follow.

The entire exercise shall be completed within a period of six weeks from the date of service of a copy of the writ petition along with a server copy of this order.

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 the server copy of this order.

(Shampa Sarkar, J.)