

09.01.2023
Sl. No.10(DL)
srm

W.P.A. No. 28527 of 2022
Anita Jolkar Ghorui
Versus
The State of West Bengal & Ors.

Mr. Goutam Banerjee
....for the Petitioner.

Ms. Shraboni Sarkar,
Mr. Debapriya Chatterjee
...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent Nos.10 to 12.

The subject matter of challenge in the writ petition is the decision of the Sub-Divisional Officer, Arambagh, Hooghly dated November 2, 2022. By the said decision, which is impugned before the Court, the authority came to a specific finding that the demography of the population of Tajpur village and the quantum of scheduled caste population, did not warrant engagement of an Accredited Social Health Activist (ASHA) from the said category.

The petitioner had moved this Court challenging the engagements of the respondent Nos.10, 11 and 12 who had been engaged as ASHAs in the preceding recruitment

processes on the ground that the persons did not belong to the scheduled caste category. WPA 20454 of 2022 was filed by the petitioner with the claim that her name had been left out from the final merit list, although she appeared at the interview held on August 4, 2022. The petitioner submitted before the Court that although she had performed well at the interview she had not been enlisted as a successful candidate. The petitioner contended that being a candidate from the scheduled caste category, preference should have been given to her, for such engagement.

The learned Advocate for the State-respondents opposed such prayer of the petitioner and submitted that there was nothing on record to show that the claim of the petitioner was justified. The records did not reveal whether the selection was against any vacancy reserved for scheduled caste candidates. As these records were not before the Court and the factual aspects with regard to the nature of vacancy could not be ascertained, the writ petition was disposed of with a direction upon the Sub-Divisional Officer, Arambagh, Hooghly to dispose of the representation of the petitioner which has been annexed as the annexure P-5 to this writ petition.

From the averments made in the representation, it appears that the petitioner requested the authority to engage

her as an ASHA as a member of the scheduled caste community. In view of the fact that other four ASHA Karmees in Tajpur village all belonged to the general category, and opportunity should be given to a lady from the scheduled caste community.

The plea of the petitioner is not based on any recruitment rules or guidelines. It was the humble request of the petitioner before the Sub-Divisional Officer, Arambagh to take care of a situation whether no person from the scheduled caste category had been engaged so far, as an ASHA in Tajpur village.

The admitted position is that the vacancy in respect of which the petitioner appeared for the selection was not reserved for scheduled castes. The guidelines dated June 27, 2012 provide that in area where the majority of the population belonged to scheduled tribes/scheduled castes, preference should be given to candidates from those categories by keeping the selection criteria as detailed in Section B. The Sub-Divisional Officer, Arambagh, upon considering the census data found the total population of Tajpur village to be 3425 and the scheduled caste population to be 1440. As the scheduled caste population was less than 50%, the prayer of the petitioner was turned down. The notification of July 4, 2022 pursuant to which the petitioner

had appeared at the interview before the authority for selection, declared that the vacancy was for unreserved category.

Thus, this Court does not find that the authorities acted either without jurisdiction or in violation of the guidelines. The authorities have not infringed any fundamental right or legal right of the petitioner.

The writ petition is disposed of without any orders in favour of the petitioner.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)