

S/L 19
10.01.2023
Court. No. 19
GB

W.P.A. 29101 of 2022

Altafun Bibi
VS
The State of West Bengal & Ors.

Mr. Subir Kumar Bhattacharya

...for the Petitioner.

Mr. Rezaul Hossain

...for the State.

*Mr. Sarwar Jahan,
Md. Ashraful Huq,
Mr. Asif Mehdi*

...for the Respondent No.6.

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

The petitioner challenges the appointment of the respondent no.6 as an ASHA for Senpara sub-centre within ASHA area Bablabona. According to the petitioner, the respondent no.6 would have to be a permanent resident having a house between the house of Abul Kasem and Saidul Islam. The petitioner relies on the interview letter sent to her, in support of her claim to be eligible to be appointed in place of the respondent no.6 as she satisfied the eligibility criteria with regard to the residential status.

The petitioner had admittedly not qualified at the selection process and her name had been short listed along with the respondent no.6. The issue with regard to residential status is taken up first for consideration. The Memo No.HFW/NRHM-20/2006/(Part II)/1631 dated June 27, 2012 is a revised guideline for selection of ASHAs. The eligibility for being an ASHA has been laid down in Clause B.

Clause B.2 states that the ASHA Karmee should be a resident of the same village for which she was being selected. Undoubtedly, both the petitioner and the respondent no.6 were residents of Bablabona village which is the ASHA area in respect of which the selection was being made. The notification sets out the boundary of the ASHA area to which the sub-centre at Senpara would cater. Such territorial jurisdiction of the sub-centre cannot be treated as the area within which the applicant or selected candidate must reside as per the guidelines of 2012.

The parent guideline clearly provides that the resident must be of the same village for which she was selected. The notification for the selection was issued for appointment to different sub-centres within Raninagar-II Block and it provided that the applicant should be permanent resident of the ASHA area. The ASHA area has been provided in the fourth column as Bablabona. The boundary of the ASHA area is not relevant for the purpose of the determination of the residential status as the determined ASHA area was Bablabona as per the annexure to the notification. Clause B.2 of the revised guideline dated June 27, 2012 had been satisfied by the respondent no.6.

The petitioner has not been able to produce any better document relating either to her residential status or to her performance at the interview. She was unsuccessful. She cannot claim a right to be appointed in place of the respondent no.6, being unsuccessful at the selection. The writ petition does not disclose the residential status of the

petitioner except for the address to which the interview letter had been sent. Such letter mentions the address of the petitioner as Bablabona village just like the respondent no.6.

Thus, the writ petition does not call for any interference. The revised guidelines clearly provide that the selected candidate or the participant must be a resident of the village for which she was selected. Admittedly, the respondent no.6 is a resident of Bablabona village.

The writ petition is disposed of without any orders.

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.)