

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

204

CWP-17145-2013

Date of Decision: 08.08.2023

Surjit Kaur and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: None for the petitioners.

Mr. D.K. Singal, Addl. A.G., Punjab.

Mr. Anil Kumar Sharma, Advocate
for respondent No.2.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. The petitioners by way of this petition have prayed for quashing the order dated 22.06.2012 (Annexure P-6), whereby, the appointment of the petitioners as Asha Facilitators was cancelled.

2. No one has put in appearance on behalf of the petitioners.

3. It is a case of the petitioners that they were appointed as Asha Facilitators, vide order dated 27.07.2011 but were not offered the posting orders since 01.09.2011. In reply, the respondents stated that they had cancelled the entire selection process and therefore, amendment sought in the writ petition was allowed and the petitioners challenged the said order whereby the appointments of the petitioners have been cancelled. The post of Asha Facilitators is under NRHM and the post is incentive based and is not a cadre post. As per the scheme and reply filed by the respondents, the post of Asha Facilitators was to be given on priority basis to those who

are 10+2 qualified whereas the selection process adopted resulted in selecting Asha Facilitators who are 10th class only leaving out those who are 10+2. Resultantly, the impugned order dated 22.06.2012 was passed cancelling the selection process since the said selection process was cancelled in 2012. An affidavit has been filed by the State in pursuance of the directions of this Court dated 29.03.2022 seeking clarification from the State as to whether any candidate from the Payal Cluster were available with 10+2 qualification and if yes, did they apply in response to the primary selection process and whether any fresh Asha Facilitators have been appointed in Payal Cluster. An affidavit has been filed stating that there were as many as 11 candidates available with 10+2 qualification and the guidelines issued by the Department of Health and Family Welfare provide for 10+2 qualification or equivalent for holding the post of Asha Facilitators.

4. Having considered the affidavit, this Court has satisfied that as per the guidelines, the basic qualification in selection criteria requires as under:-

“(a) Asha Facilitator should have at least passed 10+2 examination or equivalent.

(b) Asha Facilitator shall be identified among the Asha workers already working in that region/cluster.

(c) A detailed merit list shall be prepared of all such Asha workers within that cluster and the Asha workers having the highest merit, shall be identified as Asha Facilitator;

(d) While calculating the merit, following weightage may be given:-

(i) Percentage of the marks obtained in 10+2;

(ii) 5 marks each for one completed year of experience as Asha worker;

(iii) If the average incentive earned by the Asha worker is more than Rs.1,000/- a month, then 5 additional marks may be

given and in case the incentive is more than Rs.1500/- a month, then 10 marks can be given.”

5. As per the affidavit, the requirement of 10+2 above has been diluted and it has been provided that if 10+2 candidate is not available, the candidate having 10th class may also be appointed and thus, the preference has to be given first to 10+2 candidate.

6. In view of above, the decision taken by the respondents cannot be said to be unjustified or illegal. The respondents are required to follow the guidelines as laid down by the NRHM and Department of Health and Family Welfare, Punjab.

7. Keeping in view the above, the present petition is found to be meritless and accordingly, the same is dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

08.08.2023

D.Bansal

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No