

ML 338
01.05.2024
Ct. No. 15
adeb

W.P.A. 1272 of 2020

**Mursada Khatun
Vs.
The State of West Bengal & Ors.**

Mr. Harun All Rashid
Mr. Azizul Islam
...for the petitioner

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
..for the State

Matter relates to engagement of ASHA. Petitioner has questioned the selection and engagement of respondent no. 8. According to the petitioner, instead of respondent no. 8 petitioner should have been engaged as ASHA in terms of the recruitment memo dated 29th November, 2013. Accordingly, prayer has been made for petitioner's engagement as ASHA upon setting aside engagement of respondent no. 8.

Mr. Pantu Deb Roy, learned Additional Government Pleader appears on behalf of the State-respondents and opposes the prayer of the petitioner on two counts as follows:-

- i) Writ petition is time barred since the selection was completed in 2014 whereas the writ petition was filed challenging the engagement of respondent no. 8 on 21st January, 2020.

- ii) Petitioner was not eligible to be engaged as ASHA in terms of recruitment notification dated 29th November, 2013 since age of the petitioner was beyond the upper limit.

Having considered the submissions made on behalf of the parties and on perusal of the recruitment notification dated 29th November, 2013 which is appended to this writ petition at pages 32 to 34, it appears that one of the eligibility criteria for being engaged as ASHA is on the date of publication of recruitment notification dated 29th November, 2013 age of the candidate must be within 30 years and 40 years. On perusal of the writ petition it appears in paragraph 8 it has been admitted that petitioner's age was 43 years 2 months at the time of issuance of recruitment notification dated 29th November, 2013.

In view of the fact that the petitioner's age was beyond the upper age limit she has no right to be considered for being engaged as ASHA that too upon cancellation of engagement of respondent no. 8.

Before parting with it needs to be recorded that the selection process was initiated by issuing recruitment notification dated 29th November, 2013 and such selection process was complete in the year 2014 whereas the writ petition was instituted on 21st January, 2020 i.e. approximately 6 years after completion of selection.

It is settled principle of law that after expiry of the panel the candidate who participated in the selection process has got no right to be considered for engagement.

Accordingly, the writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)