

11.11.2024
Item No.42
Ct. No. 7
KS

W.P.A. 2408 of 2022

**Debi Dhali Mistri @ Debi Mistri
Vs.
The State of West Bengal & Ors.**

Md. Bani Israil

.....For the Petitioner

Mr. Jaharlal De

Mr. Shamim Ul Bari

.....For the State

1. Petitioner has challenged the decision of the B.M.O.H. and Member Secretary, Block Health & Family Welfare Samity, Memari – I, Purba Bardhaman, whereby the service of the petitioner, who was working as a “ASHA Karmee” was terminated on the ground of unauthorized absence from duty station for more than three consecutive months.
2. The petitioner alleges that since false complaints were lodged against the petitioner, she could not attend her duties for the aforesaid period. It does not appear that the petitioner approached the concerned authorities justifying her conduct for not attending her duties for the aforesaid period. The Writ Court cannot decide such an issue, which is entirely factual.
3. It will be well-open to the petitioner to make a representation, in this regard, before the Chief Medical Officer of Health, Purba Bardhaman, being the respondent

no.3 within a period of two weeks from date citing the reasons for her unauthorized absence. The respondent no.3 after considering the said representation and upon giving an opportunity of hearing to the petitioner as well as any other interested party shall dispose of the said representation by passing a reasoned order, which shall be communicated to the petitioner within a period of four weeks from the date of receipt of server copy of this order along with a copy of the representation permitted to be submitted pursuant to this order.

4. With the above directions, writ petition stands disposed of.
5. No costs.
6. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)