

27.02.2024
Item No.2.
Court No.6.
AB

F.M.A. 3194 of 2013

**Anjuman Ara
Vs
The State of West Bengal & Others**

Mr. P. C. Ghosh,
Ms. Kakali Samajpatifor the Appellant.

This appeal is directed against a judgment and order dated January 15, 2013, whereby the appellant's writ petition, being W. P. No. 2219 (W) of 2012, was dismissed by a learned Judge of this Court.

The appellant/writ petitioner had participated in a recruitment process for the post of "AYUSH" Doctor for a health sub-centre under Dighal Gram Panchayet in the district of Nodia. Her specific contention before the learned Single Judge was that although she had higher qualification and was a more suitable candidate than one Badruddin Biswas, the private respondent no.12 in the writ petition, the private respondent was selected for the post in question ignoring her candidature.

The learned Judge called for a report in the form of affidavit from the State respondents. The Joint Block Development Officer, Karimpur-II Development Block filed a report referring to the guidelines issued by the West Bengal State Rural Development Agency dated March 29, 2010. It was stated in the report,

inter alia, that the writ petitioner went out of the zone of consideration on the ground of not being able to produce her Voter's Identity Card along with her application, as required under the aforesaid guidelines.

The learned Judge also noted that the issue raised in the writ petition was squarely covered by a decision of this Court rendered in W.P. 17971 (W) of 2011 (Dr. Md. Suraborddin Khan Vs The State of West Bengal & Ors.). In that case, the Court had observed, inter alia, that to get employment as a part time AYUSH Doctor in a Gram Panchayet level dispensary on contractual basis under the National Rural Health Mission, an applicant was bound to follow the general instructions as contained in the guideline dated March 29, 2010.

The learned Judge observed that admittedly the writ petitioner could not produce her Voter's Identity Card along with her application but submitted the same at a later date. Delayed submission of Voter's Identity Card is of no consequence and cannot be accepted for the purpose of treating the writ petitioner's application as a valid application. Accordingly, the learned Judge dismissed the writ application.

Being aggrieved, the writ petitioner filed the present appeal.

We have heard Mr. Ghosh, learned Advocate appearing for the appellant. We find no apparent infirmity in the order under appeal. It is settled law that for applying for a post of part time AYUSH Doctor in a Gram Panchayet level dispensary on contractual basis, the guidelines dated March 29, 2010 needed to be strictly adhered to. The said guidelines contained a clause to the following effect:

“Attested copy of the mark sheet and other certificates along with the age proof and permanent residential proof (Voter Identity Card) will have to be enclosed with application.”

Admittedly, the writ petitioner did not enclose her Voter’s Identity Card with her application. Hence, no call letter was issued to her. Therefore, the learned Judge rightly refused to interfere.

In view of the aforesaid, this appeal is dismissed.

There will be no order as to costs.

However, dismissal of this appeal shall not preclude the appellant/writ petitioner from applying for the post of AYUSH, in future, if any selection process for recruitment to any such vacant post is initiated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Arijit Banerjee, J.)

(Gaurang Kanth, J.)