

09.01.2024
Sl. No. 21.
D/L.
P.P./
Mithun
Ct.No.38.

WPA 8909 of 2023

Pramila Hembram (Murmu)
Vs.
State of West Bengal & Ors.

Mr.Nandadulal Bandyopadhyay
...for the petitioner.
Mr.Amitesh Banerjee,
...for the State.

The grievance of the petitioner is against a notice for engagement of an Accredited Social Health Activist (ASHA) promulgated under the National Health Mission in different areas in West Bengal.

It is submitted on behalf of the petitioner that in engaging ASHA workers, a wrong selection criteria has been applied to the petitioner. It is also contended that the petitioner is a member of the Scheduled Tribe community and is educated and eligible for the post in respect of the subject notice.

In this background, the petitioner assails the entire selection process for appointment of ASHA employees and consequentially engagement of the private respondent.

On behalf of the State respondents, Mr. Amitesh Banerjee, Senior Advocate submits that the majority of the population in the subject area do not belong to the Scheduled Caste community or to the Scheduled Tribes community. As such, the grievance of the petitioner is misconceived. In this connection, the State respondent had relied on a chart to demonstrate that in respect of the subject area at the Beria Sub-centre, the total population is approximately 890 and only less than 9% of the Scheduled Tribe population reside there. Thus, there is no question of applying the subject notice dated 21st April, 2022 to the concerned area.

Clause 5 of the notice for engagement of ASHA dated 21st April, 2022 provides as follows:-

"5. Area (Village) where the majority of the population belongs to SC/ST, preference will be given to the candidates from that category, keeping the selection criteria fixed by the Sub Divisional Level ASHA Selection Committee. (Memo No.HFW-27011/375/2018-NHM SEC-Dept. of H & FW-Par-II-3692) Date: 03-12-2021."

It is apparent from a plain reading of the aforesaid notice that the same is to be made applicable to only where the majority of the population of the given area or village belong to the SC/ST community. On the basis of the figures furnished by

the State respondents, it appears that less than 10 % of the entire population in the concerned village belongs to the SC/ST community. As such, there is no merit in the contention raised on behalf of the petitioner. In such circumstances, there is no infirmity in the selection process which warrants interference by this Court.

Accordingly, WPA 8909 of 2023 stands dismissed.

However, there shall be no order as to costs.

(Ravi Krishan Kapur, J.)