

14.05.2024
Court No. 15
Item No. 03
(Suvendu)

W.P.A. 7299 of 2016

Fulmani Kisku (Tudu)
-Versus-

The State of West Bengal & Ors.

Mr. Satya Ranjan Kundu
.....for the petitioner

Mr. Kallol Kumar Maity
Mr. Sukhendu Bikash Mukherjee
.....for respondent no. 11

Mr. Suman Dey
.....for the State respondents

The matter relates to engagement of Auxiliary Nurse and Midwife (for short, ANM) in Damankeyari Sub-centre under Kashipur Block, District –Purulia.

The petitioner has questioned engagement of respondent no. 11 as 2nd ANM in the aforesaid Sub-centre and has also expressed grievance relating to failure of the Sub-Divisional Officer, Raghunathpur, District –Purulia to communicate the decision dated 20th September, 2011 which was taken pursuant to the order dated 27th July, 2011 passed by a Coordinate Bench on a writ petition being W.P. 11582 (W) of 2011 filed by the present petitioner.

Vide order dated 27th July, 2011, the Coordinate Bench directed the concerned Sub-Divisional Officer to take decision as to why the present petitioner was not selected as 2nd ANM in the aforesaid Sub-centre.

Today, a copy of the decision taken by the Sub-Divisional Officer, Raghunathpur dated 20th September, 2011 is placed before this Court by Mr. Dey, learned advocate representing the State respondents. The same is taken on record.

It is the contention of the petitioner that though the decision was taken on 20th September, 2011 by the concerned Sub-Divisional Officer but the same was not communicated to her contemporaneously. A document is annexed to this writ petition at page 52 issued by the concerned Sub-Divisional Officer wherefrom it appears that vide memo dated 10th April, 2015 the decision dated 20th September, 2011 was communicated to the petitioner but the same was denied from the end of the petitioner.

In effect, the petitioner has prayed for cancellation of engagement of the respondent no. 11 due to failure on the part of the concerned Sub-Divisional Officer to

communicate her the decision dated 20th September, 2011.

The learned advocates representing the State respondents and the respondent no. 11 have jointly opposed the prayer of the petitioner on the strength of the decision taken by the concerned Sub-Divisional Officer dated 20th September, 2011.

Having considered the submissions made on behalf of the parties and on perusal of the decision of the concerned Sub-Divisional Officer dated 20th September, 2011, it appears that a finding was made by the concerned Sub-Divisional Officer in his order dated 20th September, 2011 that the petitioner failed to submit her application within the prescribed date which was on or before 24th June, 2011 for being considered to be engaged as 2nd ANM in Damankeyari Sub-Centre, District –Purulia. It was also recorded in the said order that the petitioner failed to submit documents in proof of her marital and residential status which would show that at the material point of time petitioner was not the resident in the area which comes under the jurisdiction of Damankeyari Sub-centre.

A document has been produced on behalf of the respondent no. 11 wherefrom it appears that as per publication of Voter List of 5th January, 2011, the petitioner was the resident of Chatna Block, District – Bankura.

Apart from aforesaid points, which were taken into consideration by the concerned Sub-Divisional Officer, one practical aspect also needs to be considered that the respondent no. 11 was engaged as 2nd ANM vide engagement letter dated 11th December, 2014 and till date she has been functioning.

Copies of the documents placed on behalf of the respondent no. 11 today before this Court relating to publication of Voter List dated 5th January, 2011 showing residential status of the petitioner at the material point of time and the order of the Secretary, Block Health & Family Welfare Samiti & Block Medical Officer of Health, Kashipur Block, Purulia dated 11th December, 2014 showing engagement of the respondent no. 11 as 2nd ANM in the said Sub-centre are taken on record.

The selection process was initiated in the year 2011 and last date of submitting application form along with supported documents was fixed on 24th June, 2011. The

selection was complete in 2014 upon giving effect to the select list which was prepared for engagement of 2nd ANM in the said Sub-centre. The present writ petition was filed on 19th April, 2016 when the entire selection process was over.

It is true that a point has been taken on behalf of the petitioner that after the decision was taken on 20th September, 2011 by the concerned Sub-Divisional Officer the same was not communicated to her within the reasonable time, but today in the year 2024 it is too late in the day to consider the grievance of the petitioner relating to engagement of the respondent no.11 as 2nd ANM in Damankeyari Sub-centre.

In view of aforesaid discussion, this Court is not inclined to interfere with the engagement of the respondent no. 11 and accordingly the writ petition stands dismissed.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)

