

W.P.A. 10136 of 2023

Archana Das (Baral)
-Vs.-
State of West Bengal & Ors.

Mr. Anuran Samanta
...for the petitioner

Mr. Arjun Roy Mukherjee
Ms. Tuli Sinha
...for the State

The petitioner challenges the selection process for filling up vacancies of ASHA (Accredited Social Health Activist) workers in respect of sub-center Anoberia, Gram Panchayat- Prithiba, Block-Habra, North 24 Parganas.

It is submitted on behalf of the petitioner that pursuant to a Notification dated 10th July, 2018, applications were invited for 2 (two) vacancies, one being reserved for General category and other reserved for the Scheduled Caste (SC) category. The petitioner, being a SC candidate had complied with all formalities and was also issued an admit card with her SC category mentioned on the same. Thereafter, the petitioner also appeared for an examination and has since been waiting the results.

The grievance of the petitioner is directed against the failure of the respondent authorities to publish the results of the examination. It is also alleged that pursuant to an application under the Right to Information Act, 2005, the petitioner had come to learn that the subject vacancy had been reserved for a

Scheduled Tribe (ST) candidate and not for a SC candidate.

In this connection, reliance is placed on a Notification dated 10th July, 2018, issued by the Sub-Divisional Officer, Barasat (Sadar), North 24 Parganas and an accompanying list.

On behalf of the respondent authorities, it is admitted that the list relied on by the writ petitioner reflecting the present status of vacancy position in the concerned district is not genuine nor authentic. The admit card issued to the petitioner was a clerical mistake. Any admit card could have only been issued in favour of a candidate belonging to the ST category. Such mistake was only noticed at the time of the final interview. The list, *inter alia*, reflecting the present status of ASHA employees relied on by the petitioner is a disputed document. There are no signatures to the said document and the same cannot be treated as an 'original.' It is further submitted on behalf of the respondent authorities that any inadvertent mistake committed by the respondent authorities cannot be taken advantage of by the petitioner.

Admittedly, the list of vacancies for the position of ASHA candidates relied on by both the petitioner and the State respondents are different. There is no signature attached to the list relied on by the petitioner and thus the same does not appear to be

authentic nor genuine. There is also no official stamp in such list relied on by the petitioner.

On the contrary, from the Report and the documents filed by the State-authorities, it appears from a reply dated 13th December, 2023 issued by the State Public Information Officer that the subject vacancy was only confined for ST candidates. There was no reservation for persons belonging to the SC category. In such circumstances, the application of the petitioner was not liable to be considered.

The petitioner was ineligible in respect of the subject Notification dated 10th July, 2018.

In this background there is no merit in the writ petition. There is no question of passing any order in favour of the petitioner.

WPA 10136 of 2023 stands dismissed.

However, there shall be no order as to costs.

(Ravi Krishan Kapur, J.)