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13.08.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 11697 of 2023

Jahanara Bibi Sekh @
Jahanara Khatun Bibi Sekh
Vs.
The State of West Bengal & Ors.

Mr. Anindya Sundar Das,
Mr. Ritwik Chakraborty,
Ms. Kuheli Gayen,
Ms. Suva Gayen,
Ms. Paramita Mondal
...for the writ petitioner

Mr. Amal Kumar Sen,
Mr. Jaladhi Das
...for the State

The grievance of the petitioner is directed against a Selection Process for the post of an Accredited Social Health Activist (ASHA) in the Kakdwip Development Block, District-South 24 Parganas.

It is alleged on behalf of the petitioner that despite the petitioner having participated in the interview and the selection process, but a resident of the service area of another District has been arbitrarily and illegally appointed to the post without any lawful publication of the selection results. In this background, the petitioner complains of arbitrariness and illegality of the State respondents in the selection process.

It is further alleged on behalf of the petitioner that no publication of the selection results had ever taken place and the results were never published by the State Authorities.

By an order dated August 05, 2024 the State respondents were granted an opportunity to take instructions in the matter as to whether any publication of the final results of the subject selection process had taken place. In fact, it was submitted on behalf of the State that in every selection process it is mandatory for the State to publish a merit list. On behalf of the State it is submitted on instructions that no publication has ever taken place.

In view of the above and on this ground alone, the entire selection process in terms of the advertisement dated September 27, 2022 insofar as the private respondent is concerned is set aside, cancelled and declared to be illegal. The services of the respondent no. 8 are terminated forthwith.

In view of the vacancy, which has arisen, the State is directed to conduct a fresh selection process in respect of the subject post as expeditiously as possible for the Service area-of Bagher Chawk-1 pertains to Polling Station No.100, Bagherchak Ahaalya Sishu Shiksha Kendra under Sri Sri Ramkrishna Gram Panchayat in 131 Kakdwip Assembly Constituency.

With the above directions, the writ petition stands allowed to the above extent. W.P.A. No. 11697 of 2023 stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ravi Krishan Kapur, J.)