

24.06.2024  
Court No.551  
Item No.109  
BD.

**WPA 18490 of 2013**

**Sabita Roy (Barman) & Ors.  
Versus  
The State of West Bengal & Ors.**

Mr. Arnab Mondal                      ...For the petitioners.

Ms. Subrata Guha Biswas  
Mr. Raja Ram Banerjee  
... For the State.

1. Learned advocate for the State has handed over a statement of fact/report dated August, 21, 2023 prepared by Programme Officer -II, National Health Mission & Dy. Secretary to the Government of West Bengal, Health & Family Welfare Department.
2. Let the photocopy of the report be taken on record.
3. By filing this writ petition the writ petitioners have prayed for cancellation of panel dated March 2013 as prepared by Joint Secretary (FW) & Additional Mission Director (NRHM) in respect of list of ASHA of Mekhliganj Block, Cooch Behar district.
4. It is submitted on behalf of the petitioners that the writ petitioners before this Court having requisite qualification have applied for

appointment of ASHA in 165 Uchalpukuri Health sub-centre, 175 Dhulia Uchalpukuri Health sub-centre and 168, Dhulia Baldihati (Kasemerhat) Health sub-centre under Mekhliganj Block in district Coochbehar in the year 2010 pursuant to the advertisement as published by the authority.

5. It is the further contention of the writ petitioners that an interview was conducted by the local Gram Panchayat and thereafter the local Gram Panchayat recommended the names of the present petitioners for appointment of ASHA in the aforesaid Health sub-centres.
6. It is further submitted that though names of the writ petitioners have been recommended but their names do not find any place in the panel being annexure P-3 to the writ petition which is impugned before this Court.
7. Learned advocate for the State in course of his submission draws attention of this Court to paragraph 3 of such report which is as under:

*“That the petitioners stated that one of the main criteria for application to the post was that the candidate must be*

*resident of the village where the sub-centre concerned was situated.”*

8. It is submitted that from paragraph 10, 11 and 12 of the said report it would reveal that after recommendation by the local Gram Panchayat and before preparing the panel being annexure P-3 to the writ petition, on scrutiny it is found that the petitioner nos. 1, 2 and 4 are outsiders which is why their names have not been placed in the said paragraph.
9. Drawing attention to paragraph 12 of the said report it is submitted further that though the petitioner nos. 3 and 5 are found otherwise qualified but on the basis of the marks obtained by them, they have been placed as waitlisted candidates in the panel under 175, Dhulia Khalisa sub-centre.
10. In considered view of this Court, on behalf of the respondents/State, sufficient explanations have been given as to why the present petitioners' names have not been placed in the panel which is impugned before this Court.
11. In view of such, this Court finds no merit in the instant writ petition, the instant writ

petition is, thus, dismissed.

12. There will be no order as to costs.

13. Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**(Partha Sarathi Sen, J.)**