

22.04.2024.
Court No. 13
Item No. 14
ap

W.P.A. No. 22812 of 2023
With
I.A. No. CAN 1 of 2024

Sanjari Begum
Versus
The State of West Bengal & Ors.

Md. Nauroz Rahber,
Mr. Muhammad Jawwad.

...For the petitioner.

Mrs. Kakali Samajpaty,
Ms. Kakali Naskar,
Mr. Subhranil Ray.

...For the State.

1. The Deputy Magistrate and Deputy Collector at the Office of the Sub-Divisional Officer, Islampur, Uttar Dinajpur has submitted a report affirmed on 3rd April, 2024. The same is taken on record.
2. The report indicates that the petitioner herself is a resident of West Kashibari. The report further indicates that the private respondent has submitted documents to indicate that she is a resident of East Kashibari. Along with the report, a Notification of the Principal Secretary, Health and Family Welfare Department, Government of West Bengal dated 2nd June, 2023 is also filed.
3. The Notification seeks to amend the Guidelines for appointment of ASHA Workers. The amendment is to the effect that the ASHA Workers should be a

permanent resident of the demarcated area of the concerned village for which she will be selected.

4. This has replaced the earlier Guidelines, which states that the candidate should be a resident of the same village for which she will be selected. The clarification dated 3rd June, 2023 appears to be subsequent to the Notification inviting application i.e. 28th April, 2023.

5. This Court is of the view that the matter should be revisited by the Sub-Divisional Officer, Islampur, Uttar Dinajpur. Both the petitioner as well as the private respondent shall be invited to submit documents of proof of their residence in terms of the Notification for recruitment dated 28th April, 2023.

6. Only a permanent resident of the village East Kashibari under Dharampur-I Gram Panchayat and under Goalpokhar-I Block shall be issued a letter of appointment.

7. Let the process as aforesaid be completed by the Sub-Divisional Officer, Islampur, Uttar Dinajpur within a period of two weeks from the date of communication of a copy of this order.

8. Both parties shall communicate this order to the Sub-Divisional Officer, Islampur, Uttar Dinajpur.

9. The amendment to the Notification issued on 2nd June, 2023 shall not be followed in the instant case.

10. With the aforesaid directions, the instant writ petition shall stand disposed of.

11. In view of disposal of the main writ petition, the connected application being CAN 1 of 2024 is disposed of.

12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)