

W.P.A. 24133 of 2016

**Rukshmini Guchait @ Rukmini Basuli
Vs.
The State of West Bengal & Ors.**

Mr. Monojit Pal
Ms. Sahina Parvin
.....for the petitioner

Mr. Lal Mohan Basu
...for the State

Affidavit of service filed on behalf of the petitioner
is taken on record.

Matter relates to engagement of ASHA in Balarampur Nilkuntha Sub-centre, District-Purba Medinipur. The grievance of the petitioner is though she participated in the selection process based on recruitment notification dated 31st October, 2013 but she was placed at the second position in the panel and the respondent no. 7 was placed at the first position and she was given appointment. According to the petitioner the prescribed age limit for being engaged as ASHA as per the recruitment notification dated 31st October, 2013 was within 30 years to 40 years whereas the age of the respondent no. 7 was below 30 years at the time of consideration of her candidature. According to the petitioner since the age of the respondent no. 7 was not within the prescribed limit she has no right to be considered for being engaged as ASHA.

The contention of the petitioner is opposed by the learned advocate representing the State-respondents. However, no one is representing the respondent no. 7 today.

In view of the representation preferred by the petitioner dated 16th November, 2015 addressed to the Sub Divisional Officer, Tamluk, Purba Medinipur being the respondent no. 3 which is at page 24 of the writ petition, the writ petition stands disposed of directing the respondent no. 3 to take decision on the said representation of the petitioner within a period of 12 (twelve) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and the respondent no. 7 or their representatives. However, petitioner shall supply copy of the writ petition including the representation dated 16th November, 2015 at the time of communicating the order passed by this Court today to the respondent no. 3.

The respondent no. 3 is directed to pass reasoned order and the same is to be communicated to the parties within 1 (one) week thereafter.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)