

11 14.05.2024
rkd Ct.15

W.P.A. 23047 of 2019

Papia Malik @ Papiya Pakhira

-vs-

The State of West Bengal & Ors.

Mr. Pratib Mukherjee,
Mr. S. M. Ismail

....for the petitioner.

Mr. Ziaul Islam

....for the State.

The writ petition is heard in presence of the learned advocates representing the petitioner and the State respondents.

Affidavit-of-service filed by the petitioner is taken on record. In spite of service of notice upon the other respondents including the respondent no.11 today no one is representing the other respondents.

The learned advocate representing the petitioner questions the engagement of respondent no.11 as ASHA in Jagatballavpur Block, District-Howrah in Polgustia Primary Health Centre.

In support of the contention made on behalf of the petitioner attention of this Court has been drawn to the recruitment notification dated 8th September, 2017 which is at pages 23 & 24 of the writ petition wherein one of the eligibility criteria as provided for being engaged as ASHA contemplates

the candidate has to be permanent resident of the concerned village.

According to the petitioner the candidate has to be the permanent resident of Polgustia Village under Polgustia Gram Panchayat whereas the respondent no.11 at the material point of time was a resident of Pergustia Dighirpar Village.

The State respondents are represented by learned advocate who submits that as per the recruitment notification dated 8th September, 2017 if a candidate is the resident of village which comes under the jurisdiction of the concerned gram panchayat should be treated as eligible candidate for being considered to be engaged as ASHA. The residential status as per the recruitment notification dated 8th September, 2017 according to the State respondents should not be confined to a particular village under gram panchayat area.

Having considered the submissions made on behalf of the parties the writ petition stands disposed of thereby directing the Member Secretary and Sub-Divisional Officer (Sadar), Howrah to take decision on the representation of the petitioner to be made by fortnight from date, within twelve weeks from the date of receiving such representation, if the same is preferred within the

time as stipulated above.

Before taking decision opportunity of hearing shall be afforded to the petitioner and the respondent no.11 or their representatives and the reasoned decision shall be communicated to the parties within one week thereafter.

Leave is granted to the learned advocate representing the petitioner to amend the cause title of the writ petition and add the Member Secretary and Sub-Divisional Officer (Sadar), Howrah as additional respondent in course of this day.

However, service of notice upon the additional respondent stands dispensed with since State respondents are represented by learned advocate.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)