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19.04.2024
Ct. No. 11
Jayanta

WPA 31009 of 2014
With
IA No.: CAN 1 of 2015 (Old No.: CAN 7735 of 2015)

Radharani Chowdhury @ Maity
Vs.
State of West Bengal & Ors.

Syed Julfikar Ali

....For the petitioner.

Mr. Malay Singh
Ms. Neelam Singh

....For the State.

A selection process was undertaken to fill up the post of 'ASHA' Karmi (worker) in different Sub Health Centers under 10 (ten) blocks of Kharagpur Sub-division. In furtherance thereof, a notification dated 10th October, 2013 was published notifying some vacancies including a vacancy for the service area of Murari Chowk village which falls within the area covered by Bishnupur Sub Health Center.

One of the essential criteria for the post was that the candidate offering candidature for the post must have to be an inhabitant of the village for which the vacancy was notified. The petitioner, who has been working as a link person for a considerable length of time, offered her candidature for the post but despite receipt of applications her name was not incorporated in the list of the participants of the selection process.

The petitioner ventilated her grievances by making application before the competent authority but to no avail. Aggrieved thereby, the petitioner was constrained to prefer the present writ petition.

Therefore, the main issue involved in the writ petition hinges on one question whether or not any vacancy for the service area of Village Jagannath Chowk was notified. Suffice it to observe that the petitioner is an inhabitant of Jagannath Chowk village.

To resolve this issue in an effective manner this Court granted leave to the petitioner to bring documents having indication towards the answer of this query and simultaneously, the respondents were asked to submit a report supported by the relevant documents to throw some light on the issue.

Pursuant thereto, the petitioner has filed supplementary affidavit annexing some documents therewith. The State has filed a report appending some documents thereto. Both the supplementary affidavit and the report, as produced are taken on record.

Even from a studied scrutiny of the report and the supplementary affidavit as well as the documents appended thereto nowhere it was found that any vacancy was notified for the service area of Jagannath Chak Village rather those are indicating that the vacancy was notified for service area of Murari Chowk village.

So, the petitioner being an inhabitant of Jagannath Chowk village failed to fulfil that eligibility criterion and as a consequence thereof, the petitioner's name was not included in the list of the participants of the selection process.

Resultantly, for the reasons stated hereinabove, the writ petition is dismissed, however, without any order as to the costs.

However, it is made clear that this order shall not preclude the petitioner from offering her candidature for the vacancy, if notified for the service area of Jagannath Chowk Village in future and if she finds herself eligible for the post then.

(Partha Sarathi Chatterjee, J.)