

10.03.2025
Court No.23

M.L.-291
(PP)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 9541 of 2024

Laila Khatun
versus
State of West Bengal & Ors.

Mr. Manas Kumar Das
.....for the petitioner.

Md. Hafiz Ali
....for the respondent no.5.

The State respondents remain unrepresented, but have affirmed a report in the form of an affidavit on 19th July, 2024, a copy whereof has been served on the learned advocate for the petitioner. The original report, however, is not with the record.

On perusal of the supply copy handed over by the learned advocate for the petitioner, it appears that the respondent no.5 is a permanent resident of the village in respect of which the vacancy for Accredited Social Health Activist) ASHA Karmee arose. The petitioner had also applied for being considered against the said vacancy. The petitioner was unsuccessful but says that respondent no. 5 although is not the resident of the subject Gram Panchayat but was given engagement, challenging which this writ petition was filed. It is clear from the report that the petitioner is residing at her parental house even after her marriage in 2015. There

is no change in the address of the Aadhaar Card or the Voter Card.

Since the respondent no.5 is a permanent resident of the concerned village and that there is no change in the address contained in her Aadhaar Card or Voter Card even after the marriage it has to be presumed that the statement of the respondent no.5 is correct. Once this presumption is arrived at, the objection raised by the petitioner only on the ground that the respondent no.5 is not a resident of the subject village against which the vacancy was declared gets eroded. There is no other ground of challenge to the engagement of the respondent no.5.

In the aforesaid facts and circumstances, the writ petition is not entertained and is dismissed.

Supply copy of the report in the form of an affidavit on behalf of the respondent no.3 handed over by the learned advocate for the petitioner is retained with the records.

(Arindam Mukherjee, J.)