

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

23 08.8.2025
Sc Ct. no.2

WPA 10999 OF 2025

Rabia Khatun

Vs.

State of West Bengal & Ors.

Mr. Moniruzzaman

....For the Petitioner

Mr. Ranjit Rajak

....For the Respondents
State

Mr. Moniruzzaman, learned Advocate appears for the petitioner.

Mr. Ranjit Rajak, learned Advocate appears for the respondents/State.

Learned Advocate for the petitioner referring to **page 27** from the writ petition submits that, the petitioner participated in the selection process for **ASHA** and has been selected as the first candidate in the panel. Thereafter the State authority has not taken any step. The panel has been prepared on **April 15, 2023**. The petitioner has filed the writ petition in **May, 2025**. The petitioner claims direction upon the appropriate State authority to conclude the selection process and to take a decision on the panel.

Learned Advocate for the petitioner further referring to **page 20** from the writ petition being the notification for holding selection process submits that, there are

several sub-centers under the Panchayat and for few such sub-centers appointment have already been given.

Learned State Advocate has opposed this writ petition. He submits that, the panel has merely been drawn up and not yet finalized. It is not a fact that anybody has been picked up and chosen from the panel and given an employment. The petitioner cannot maintain this writ petition at this stage.

After considering the rival contentions of the parties and upon perusal of the materials on record it appears to this Court that, for the relevant sub-center for which the petitioner has been empanelled, her name is appearing against serial no.1. However, for this sub-center the State has not taken any decision yet, to come to a conclusion of the selection process. The panel is alive.

Law is well settled that, mere empanelment does not create any vested right on an empanelled candidate, unless an appointment is offered.

To give an effect to the panel for the relevant sub-center for which the petitioner has been selected, is the policy decision of the State and totally within the administrative domain of the State.

The law is also well settled that, unless a policy decision on the face of it is found to be perverse or tainted with malice or fraud, this Constitutional Court in exercise of its power under Article 226 of the Constitution of India, shall not interfere with such policy decision. The discretion shall be left open to the State.

Accordingly, this writ petition is not tenable in law.

This writ petition, **WPA 10999 of 2025** stands ***dismissed***, without any order as to costs.

However, this order of dismissal shall not have any effect on the merit of the position of the petitioner in the relevant panel and the fate of the said panel shall be guided strictly in accordance with law and the authority while deciding the fate of the panel shall not be influenced by any observation made by this Court.

(Aniruddha Roy, J.)