

15.01.2025
Court No.23
DL – 10
(PP)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 25140 of 2023

**Banalata Mahata
versus
The State of West Bengal & Ors.**

Mr. Debashis Banerjee

.... for the petitioner.

Mr. Jyoti Prakash Chatterjee,
Ms. Paramita Pal

....for DVC.

Exception to the report filed is taken on record.

The petitioner participated in a selection process for engagement of Accredited Social Health Activist (in short, 'ASHA') in terms of a notice for engagement dated 20th April, 2022. The Sub-Centre for which the petitioner applied is Bisri under Manbazar-I. The petitioner was the first wait-listed candidate. The respondent no.4 has been selected and engaged. The petitioner says that the respondent no.4 is a resident of Inchadi and not that of Inchadi-Tentla. The engagement of the respondent no.4, therefor, according to the petitioner, is contrary to the advertisement and the settled procedure laid down for appointment of ASHA. The petitioner says that only the residents specified in the advertisement are entitled to be engaged for a particular sub-centre corresponding to the same.

In the instant case, the respondent no.4, being a resident of Inchadi cannot and could not have been given the engagement. The petitioner, therefor, seeks cancellation of engagement of the respondent no.4 and recommendation for her appointment, being the first wait-listed candidate.

After hearing the parties and considering the materials on record, I find that the application of the petitioner as also the application of the respondent no.4 has been annexed respectively to the writ petition and the report in the form of an affidavit filed by the State respondents. On a comparison of the Aadhaar Card and Voter Card of the petitioner and the respondent no.4, I find that the petitioner is a resident of Tentla while the respondent no.4 is a resident of Inchadi.

On a perusal of the advertisement, I find that against Bisri Sub-Centre under Bisri Gram Panchayat in Manbazar-I Block of District - Purulia applications were invited from Inchadi as also Tentla as there is a comma in between. Had the intent of the selection committee been to engage candidates only from Inchadi, then Tentla would have not been mentioned against the name of village. Similarly, if candidates for Tentla were called for, then against the name of the village only Tentla would have been mentioned and not the two names separately with a comma in between. Again if the Selection Committee wanted applicants from Tentla area

within Inchadi then the same would have been indicated in bracket or with a “dash” in between. The interpretation sought to be given by the petitioner could have been acceptable if the village name mentioned was Inchadi-Tentla or Inchadi (Tentla) and not when it is described as Inchadi, Tentla. It is, therefore, apparent that the residents from the two villages, that is, Inchadi and Tentla were eligible to apply.

The respondent no.4, being a resident of Inchadi village, was entitled to apply and got the engagement in her favour on being successful. There is no other challenge to the engagement of respondent no.4.

In the aforesaid facts and circumstances, I do not find any substance in the case made out by the petitioner.

The writ petition is, therefore, dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)