

22.09.2025
Item No. 188
Ct. No. 42
AN

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

WPA 26466 of 2023

**Sahanara Begum (Sekh)
vs.
State of West Bengal & ors.**

Mr. Imtiaz Ahmed
Mrs. Ghazala Firdaus
Mr. Sk. Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan

... for the petitioner

Mr. Tapas Kr. Mondal

... for the State

1. By the present writ petition, the petitioner seeks direction upon respondent no. 2, Member Secretary, Asha Selection Committee, Uluberia, Howrah to issue an approval for recruitment of the petitioner in pursuance to the notification dated 6th January, 2021 issued by respondent no.3, District Magistrate, Howrah.
2. The petitioner contends that she applied for the post of Accredited Social Health Activist (ASHA) worker from Akubhag Sub-Health Centre under Chandrabhag Gram Panchayat, Bagnan-II Block, Dist. Howrah. The petitioner fulfilled requisite criterion and thereafter appeared in oral examination on 5th April, 2022. Other than the petitioner, eight persons were also called for the interview. The petitioner secured 2nd rank and one

Jahida Khatoon secured the 1st rank. By a notice dated 28th March, 2022 issued by respondent no. 2, the petitioner was called upon to appear for the interview *viva voce* on 5th April, 2022 at 02.00 P.M. Accordingly, the petitioner reported to authority concerned in order to appear before the Interview Board. However, the petitioner was not called upon to appear in the interview. The petitioner made an application under the Right to Information Act on 5th September, 2023 before the respondent no.3 seeking information regarding Final List of appearing candidates in interview conducted on 5th April, 2022. However, no information was received. As such, the entire selection process has been evidently carried out irregularly. The candidates who secured lower ranks than the petitioner was interviewed. Being aggrieved by such action of the respondent authorities, the petitioner has preferred the present writ petition.

3. Mr. Imtiaz Ahmed, learned advocate for the petitioner submits that the petitioner was not allowed to appear before the Interview Board although she reported before the authority concerned on the schedule date and time. The refusal to allow the petitioner to appear in interview was that she crossed the age limit of 40 years on the date of interview. It is relevant to note that, on the date of notification dated 6th January, 2021, she was within 40 years of age. Therefore, the

petitioner ought to have been allowed in the interview. Further one Nasima Sultana, respondent no.4, who was ranked low to the petitioner, was selected and given appointment. However, said Nasima Sultana, respondent no.4 has expired. The petitioner seeks for issuance of a letter of approval for her recruitment to the post of ASHA worker.

4. On the contrary, the State submits that in respect of the notification dated 6th January, 2021, the petitioner ranked 2nd and was wait-listed. One Jahida Khatoon stood 1st and she has been given appointment and she is discharging her duties. The petitioner's candidature could not be considered in respect of the subsequent notification dated 22nd February, 2022 since she crossed the age limit of 40 years on such date. Therefore, the writ petition is misconceived and should be dismissed.
5. It is not in dispute that the petitioner applied for the post of ASHA worker in respect of the notification dated 6th January, 2021. The report filed by the State shows that the petitioner is ranked 2nd and 1st wait-listed candidate. The person who stood 1st, viz., Jahida Khatoon was selected. Thus there is no irregularity in such selection. It is informed by the learned advocate for the State that said Jahida Khatoon is still continuing in the job. It is undisputed that the petitioner attained more than 40 years of age when the

subsequent notification being no. DHFWS/HOW/437/2022 dated 28th February, 2022 for appointment was published. Therefore, the petitioner on such date, in the year 2022, was not at all eligible to apply for the post of ASHA worker. Such being the position, the writ petition falls short of merit and is liable to be dismissed.

6. Accordingly, the writ petition being no. **WPA 26466 of 2023** stands dismissed.
10. Consequently, connected applications, if any, also stand dismissed.
11. Interim orders, if any, stand vacated.
12. There will be no order as to costs.
13. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)