

09.02.2026
Item No.10
PG/
Ct. No.236

WPA 2914 of 2011
Smt. Tapasi Das
Versus
The Block Development Officer
Of Health, Singur Rural Hospital & Ors.

Mr. Jayanta Kr. Pain.....for the petitioner

Mr. Lalit Mohan Mahata, Ld. AGP
Mr. Ziaul Haque.....for the State

Mr. S.M. Obaidullah
Ms. Ankita Dey.....for the respondent no.7

PER, PARTHA SARATHI SEN, J.:

1. The writ petitioner, the respondent/State and the private respondent no. 7 are represented by their respective learned counsels.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities commanding them to cancel and/or rescind and/or set aside the letter dated 16.04.2010 (annexure-‘P6’), whereby and whereunder the respondent no. 2 authority recommended for appointment of the private respondent no. 7 for the post of ASHA (Sibarambati).
3. At the time of hearing, learned advocate appearing on behalf of the writ petitioner at the very outset, draws attention of this Court to page nos. 31 and 32 of the instant writ petition being a copy of memo dated 15.02.2010 (annexure-‘P2’) as issued by the respondent

no. 5 authority. It is submitted that by the said memo, various authorities of the respondent/State were intimated with regard to the procedure to be observed for appointment of ASHA. It is submitted further that clause 7 of the said memo dated 15.02.2010 clearly indicates that weightage would be as follows; namely, Merit 80% and Interview 20%. It is further submitted that the said clause of the said memo further postulates 80% marks secured in Madhyamik or equivalent exams out of 800 (excluding marks obtained in additional subject) and 20% of marks obtained out of 20 in interview would be considered for preparation of final panel.

4. At this juncture, Mr. Jayanta Kr. Pain, learned advocate for the petitioner draws attention of this Court to page no. 34 being a copy of the admit card, as issued in the name of the writ petitioner in the recruitment examination of 2010. Further attention is drawn to page nos. 42 and 43 of the writ petition being annexure-‘P7’ being the marks obtained by different candidates in the said recruitment examination of 2010. It is further submitted that such distribution of marks have been forwarded to the respondent no. 9 authority by the respondent no. 2 authority.
5. It is submitted that from the tabulation sheets, as have been annexed with the memo dated 27.09.2010, it

would reveal that at the extreme end of the right hand column, the total marks have not been given.

6. Drawing attention to annexure-‘P8’ of the instant writ petition being a calculation sheet, as prepared by the writ petitioner, it is submitted that from the said calculation sheet, as prepared by the writ petitioner in terms of the said guideline/memo dated 15.02.2010, it would reveal that the writ petitioner had obtained higher marks than the private respondent no. 7 and therefore, the appointment of the private respondent no. 7 may be cancelled and in her place, the writ petitioner may be given appointment.
7. *Per contra*, Mr. Ziaul Haque, learned advocate appearing on behalf of the respondent/State draws attention of this Court to the report, as submitted by the respondent no. 9 authority, as has been affirmed on 07.02.2024. It is submitted that despite issuance of letters, no reply has been received from the office of the jurisdictional SDO as well as from the office of the respondent no. 2 authority regarding availability of relevant papers for the selection process in question.
8. On behalf of the respondent no. 7, Mr. S.M. Obaidullah, learned advocate contended that the private respondent no. 7 was appointed in accordance with law and therefore, there cannot be any justification to set aside the order of recommendation dated 16.04.2010 (annexure-‘P6’).

9. On careful perusal of the entire materials, as placed before this Court and after hearing the learned advocates for the contending parties, it appears to this Court that sufficient materials have been placed before this Court that the writ petitioner and the private respondent no. 7 were the candidates in the recruitment process of ASHA of the year 2010. Materials have been placed before this Court to substantiate the procedure for appointment of ASHA in the said selection procedure.
10. At this juncture, if we look to the tabulation sheets, as have been annexed with the copy of the memo dated 27.09.2010 (annexure-'P7'), as has been issued by the respondent no. 2 authority, it reveals that such tabulation sheets do not bear the total marks received by the candidates, who appeared in the said recruitment examination. This Court has noticed that the extreme right hand column meant for giving total marks has been kept blank.
11. Such being the position, this Court finds no justification at all, for issuing the impugned memo dated 16.04.2010 by the respondent no. 2 authority thereby recommending the private respondent no. 7 to give her appointment in the post of ASHA.
12. In considered view of this Court, the appointment of the private respondent no. 7 has become more suspicious especially when several opportunities were

given to the respondent authorities as well as to the respondent no. 2 to file their affidavits in opposition to substantiate that the appointment of the respondent no. 7 was in accordance with law. This Court is equally astonished that under cover of his report, as affirmed on 07.02.2024, the respondent no. 9 authority candidly placed before this Court that despite issuing several letters, he had not received any communication either from the SDO, Chandannagore or from the BDO, Singur or from the Pradhan, Balarambati Gram Panchayat (respondent no. 2 herein).

13. In view of such, this Court, while disposing the instant writ petition, permits the writ petitioner to make a fresh representation with the respondent no. 5 authority along with a server copy of this order. The respondent no. 5 authority, on receipt of such representation along with a server copy of this order, shall give due notice to the writ petitioner and the private respondent no.7.
14. The respondent no. 5 authority shall bring all papers and/or documents relating to the recruitment process of 2010 for the post of ASHA, where the writ petitioner and the private respondent no. 7 participated.
15. The respondent no. 5 authority is further directed to give due opportunity of hearing, both to the writ petitioner and the private respondent no. 7 and/or their authorised representatives and thereafter to pass a

- reasoned order and forthwith communicate the same to the writ petitioner and the private respondent no. 7.
16. The entire exercise, as indicated hereinabove, shall have to be completed within 30 working days from the date of communication of the server copy of this order along with a fresh representation by the writ petitioner.
 17. Time-limit, as fixed by this Court, is peremptory and mandatory.
 18. It is further directed that in the event while passing the reasoned order, the respondent no. 5 authority finds sufficient justification in the representation of the writ petitioner, he is directed to take all consequential steps soon thereafter.
 19. The respondent no. 5 authority is further directed to cancel the appointment of the private respondent no. 7 and to give appointment to the writ petitioner in the event while passing the reasoned order, he finds sufficient justification in the representation of the writ petitioner.
 20. Liberty is given to the respondent no. 5 authority to recover the entire salary from the private respondent no. 7 in the event he finds that the recruitment of the private respondent no. 7 was not in accordance with law.
 21. The respondent no. 5 authority is further directed to initiate criminal proceeding against all the accused persons in the event while passing the reasoned order,

he finds that the appointment of the private respondent no. 7 is tainted.

22. With the aforementioned observations/directions, the writ petition is disposed of.

23. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(PARTHA SARATHI SEN, J.)