

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 18948 of 2024

Rubina Khatun Bibi
-versus
The State of West Bengal & Ors.

Mr. Lalratan Mandal
... For the petitioner

1. Notice addressed to the learned advocate representing the State dated 27th March, 2026 issued by learned advocate for the petitioner be retained with the records.

2. None appears on behalf of the State respondents despite service.

3. The petitioner claims that she applied for selection as Accredited Social Health Activist (ASHA) against existing vacancies in terms of an advertisement by the Additional Mission Director, NRHM, Government of West Bengal in November 2013 in respect of Kapasdanga Sub-Centre.

4. Submission is that she was issued engagement letter for Ramdaspur Sub-Centre under Kapasdanga Gram Panchayat.

5. The petitioner alleges that as she applied for engagement in the Kapasdanga Sub-Centre, she was

not allowed to join in Ramdaspur Sub-Centre as she was not a resident of that area.

6. Learned advocate for the petitioner submits that she is the resident under the Kapasdanga Gram Panchayat and she applied for engagement in the Kapasdanga Sub-Centre and not in Ramdaspur Sub-Centre.

7. Prayer has been made to direct the authority to issue engagement letter in favour of the petitioner in respect of Kapasdanga Sub-Centre.

8. From the report prepared by the Block Medical Officer of Health, Murshidabad, Jiaganj Development Block, affirmed on 20th September, 2024, copy whereof has been handed over to the Court by the learned advocate representing the petitioner, it appears that at the time of document verification in the year 2017, it was noted that there is a mismatch between the residential address provided by the petitioner and the approved sub-centre where she has been engaged.

9. It is a pre-requisite condition that the candidate for engagement as ASHA should be a resident of the village under the sub-centre where she will be engaged.

10. The petitioner was intimated about the reason for not allowing her to be engaged in Ramdaspur Sub-Centre. The petitioner has not annexed copy of the

application made by her seeking engagement in Kapasdanga Sub-Centre.

11. The advertisement in question dates back to the year 2013 and the original copy of the petitioner's application seeking engagement is not readily available.

12. The report specifically mentions that in the year 2013 there was no vacancy for the post of ASHA in Kapasdanga Sub-Centre under Kapasdanga Gram Panchayat.

13. Upon hearing the submission made on behalf of the petitioner and on perusal of the documents annexed to the writ petition, it appears that the selection process was of the year 2013. There is nothing on record to suggest that the petitioner applied for the post of ASHA in the Kapasdanga Sub-Centre under Kapasdanga Gram Panchayat.

14. The copy of the advertisement showing vacancy in the post of ASHA in Kapasdanga Sub-Centre has also not been produced before the Court. As the authority has specifically denied that there was any vacancy in Kapasdanga Sub-Centre, accordingly, in the absence of specific proof that the petitioner applied for engagement in Kapasdanga Sub-Centre in response to the advertisement disclosing vacancy in the said sub-centre, the prayer of the petitioner for being engaged in Kapasdanga Sub-Centre cannot be accepted.

15. In a particular Panchayat, there are several sub-centres. The condition for appointment as ASHA is that a candidate has to be a resident of the particular sub-centre where she will be engaged. Ramdaspur Sub-Centre does not fall within the residential limit of the petitioner.

16. In view of the above, the prayer of the petitioner for being engaged under Kapasdanga Sub-Centre cannot be accepted.

17. The writ petition fails and is hereby dismissed.

18. Let photocopy of the report of the respondent nos.2 and 3 be retained with the records.

19. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

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

(Amrita Sinha, J.)