

6th January, 2026
(D/L No.25)
Ct. No.4
(SKB)

F.M.A.1154 of 2024
With
CAN 1 of 2024

Sorifa Yeamen
Versus
The State of West Bengal and others

Mr. Shamik Chatterjee,
Mr. Tapadip Gupta,
Mr. Aditya Bikram Mahata,
Mr. Suman Bhanja,
Mr. Sahil Kabir,
... for the appellant.

Mr. Samim Ahammed,
Mr. Mijanul Kabir,
Ms. Luna Khatoon,
Mr. Enamuyi Islam,
Ms. Simran Dilwara,
Mr. Bapparaj Dey,
Mr. Raju Sk.,
Mr. Najimul Hoque Chowdhury,
Md. Wasim Akram
... for the respondent no.8.

Mr. Rezaul Hossain
... for the State.

1. Heard learned advocate for the appellant,
learned advocate representing the State as well
as the private respondent no.8.
2. The petitioner/appellant and the private
respondent no.8 participated in a process for
selection of Accredited Social Health Activist (in
short 'ASHA') Worker for Suti-II Block, Dafahat,
Dist.-Murshidabad, and the respondent no.8 was
selected. The selection of respondent no.8 was
put to challenge by the writ petitioner in a writ
petition alleging that her selection was

unsustainable as she resided outside the ASHA area.

3. Considering the complaint of the writ petitioner, the writ court directed for submission of a report to ascertain the complaint of the writ petitioner. The report was filed annexing thereto a Map of the ASHA area for which the ASHA Worker was engaged. Northern extent of the mapped area was at a point where one Serajul Seikh resides, the residence of the private respondent, which has been shown just below the residence of Serajul Sheikh from Shyampur, Bangpara; and within the sketch map for the service area for which selection was being done. The learned counsel for the State supported the selection of the private respondent that she was well within the service area for which the ASHA Worker was being recruited.
4. The writ petitioner was, however, not satisfied with this report. According to him, the service area was required to be bounded by residence of another Serajul, namely Serajul Haque whose name is appearing in the voter list at Sl. No.370 and who is a resident of Hasnapur, Dakshinpara.
5. The Hon'ble Single Judge upon considering the submission advanced by the writ petitioner, in our view, rightly concluded that the petitioner

was raising an issue of disputed facts regarding the contours of a map. Considering the settled legal position that normally a writ court would not proceed to adjudicate disputed issues of fact and that the writ jurisdiction was not an appropriate forum for determining such factual issue regarding the extent of service area of the ASHA Service Centre, proceeded to dismiss the writ petition.

6. We have considered the rival submissions, the report filed by the State and exception thereto, filed by the writ petitioner. We, *prima facie*, found that the map showing the geographical limits of the service area corresponds to the description of the boundary of the service area stated in Annexure II of the advertisement dated 03.01.2022 under which the selection was conducted. The relevant service area has been specified at Serial No.16 of Annexure II, which corresponds with the extent of the service area in sub-centre map, copy of which has been annexed with the report filed in the writ court. The house of respondent no.8 has been shown with reference to the house of Sirajul lying within the extreme north geographical extent of the sub-centre area. The map is signed and authenticated by four officials including the

BHOM, Jt. BDO, Sr. PHN and 1st ANM Shyampur.

An enquiry report dated 13.09.2023 is also enclosed with the report. The enquiry report is also based on a physical enquiry conducted by the local officials. The enquiry report is also authenticated by 4 of the officials who have authenticated the sub-centre map, and additionally authenticated by the Block Development Officer Suti-II.

7. The factual dispute sought to be raised by the writ petitioner, *prima facie*, does not find any force from the averments made in the writ petition or in the exception. Merely because the writ petitioner feels that the service area be bounded on the North from the house of another Serajul than what has been done by the authorities, the writ court would not proceed to declare the selection of respondent no.8 to be invalid on such a ground. Accordingly, the order of the Hon'ble Single Judge, in our opinion, requires no interference.
8. The enquiry report and map enclosed with the report submitted in the writ court, being duly authenticated by 4-5 officials are product of physical enquiry and consideration by a group of officers collectively, including the Block Development Officer. There is no allegation of

mala fide made by the petitioner against any of these officials. It is also not the petitioner's case that there is violation of any statute, rule or guideline in the process leading to preparation of the sub-center map, or the enquiry report dated 13.09.2023. In the circumstances, this court exercising its writ jurisdiction under Article 226 of the Constitution of India would not proceed to consider the enquiry report as if it were sitting in appeal over the enquiry report. Merely because the result of the enquiry or the map of the sub-centre is denied or disputed by the writ petitioner, this court would not proceed to go into the correctness of the enquiry report of the sub-centre map. Based on bald assertions/denials the writ court would not concern itself with the decision of the group of officials; there being no infirmity in the decision making process.

9. The appeal is dismissed. The connected application is, thus, dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)