

11.08.2025
Sl. No. 12
g.b.
Court No.02

W.P.A. 21641 of 2024

Kohinoor Khatun
-Vs-
The State of West Bengal & Ors.

Mr. Samim Ahammed
Mr. Arka Maiti
Mr. Aniruddha Singh
Ms. Gulsanwara Pervin
.....For the Petitioner
Mr. Asish Kumar Guha
Mr. Jayak Kumar Gupta
.....For the State

Mr. Samim Ahammed, learned advocate appears for the petitioner.

Mr. Jayak Kumar Gupta, learned State advocate with Mr. Asish Kumar Guha, learned advocate appears for the State.

On the prayer of the learned State Counsel the report in the form of affidavit filed in court is taken on record.

Learned counsel for the petitioner submits that the petitioner shall not file any exception to the report and he shall proceed on the basis of the existing records.

Mr. Samim Ahammed, learned counsel for the petitioner, first, placed reliance on the

guideline of the selection of ASHAs dated **June 27, 2012** at **page 15** to the report on affidavit affirmed by the Chief Medical Officer of Health on **July 18, 2025**. Specifically he has relied on the Clause “**E.7.**” at **page 16** to the report and submits that all sections of the **Proforma ASHA – P1** should be properly filled up failing which the selection will not be approved at the State level. He then placed reliance upon the final mark sheet of the selection process, **Annexure – ‘X’ at page 6** to the report and submits that the Chairman has not signed it.

In view of the above, learned counsel for the petitioner submits that the presumption of law will be the final mark sheet was prepared in absence of the Chairman and the Chairman had no occasion to look at it and approve it.

Accordingly, he submits that the entire selection process is bad.

Mr. Jayak Kumar Gupta, learned State counsel refers to Clause “**E.7.**” of the revised guideline at **page 16** to the report and submits that all sections of the **Proforma ASHA – P1**

should be properly filled up. He then refers to page 7 to the report being **Proforma ASHA – P1** where the Chairperson has duly signed. Therefore, there is no deficiency in the selection process or publishing the result thereof. He further submits that the panel approved by the State level was published on **December 21, 2023**. So, the panel was valid till **December 20, 2024**.

At this juncture learned counsel for the State submits that he shall take further instruction and come back on the issue.

For the ends of justice opportunity is granted and the writ petition shall appear under the heading “**Motion (Service)**” on **September 15, 2025**.

(Aniruddha Roy, J.)