

GAHC010030162024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/855/2024

KRISHNA DAS
D/O- LT. KSHITISH CH. DAS, VILL- RANGABAK PART-I, P.O./P.S.-
KATLICHERRA, DIST.- HAILAKANDI, ASSAM, PIN- 788164

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, SOCIAL WELFARE DEPARTMENT, DISPUR,
GUWAHATI- 781006

2:THE JOINT SECRETARY TO THE GOVERNMENT OF ASSAM
SOCIAL WELFARE DEPARTMENT
DISPUR
GUWAHATI- 781006

3:THE DIRECTOR
OF SOCIAL WELFARE DEPARTMENT
UZANBAZAR
GUWAHATI- 781001

4:THE DISTRICT SOCIAL WELFARE OFFICER
HAILAKANDI
P.O./P.S./DIST.- HAILAKANDI

5:THE CHILD DEVELOPMENT OFFICER (CDPO)
ICDS PROJECT
SOUTH HAILAKANDI
P.O. MUNIPUR
P.S. KATLICHERRA
DIST.- HAILAKANDI
PIN- 78816

Advocate for the Petitioner : MR. A H ALAMGIR

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA
ORDER

21.02.2024

Heard Mr A H Alamgir, learned counsel for the petitioner. Also heard Ms M Bhattacharjee, learned Additional Senior Government Advocate, Assam, for the respondents.

2. This writ petition is filed by the petitioner, who is working as Supervisor under South Hailakandi, ICDS Project, Hailakandi. The petitioner claims that she is the only daughter with whom her mother aged about 73 years is residing. It is stated that her mother is partially blind and is unable to look after herself on her own.

3. It is further submitted that although the petitioner was transferred by the order dated 5th of February, 2024, from Hailakandi ICDS Project to South Hailakandi ICDS Project, but the CDPO, South Hailakandi, adjusted her to “Dholai Bagan-02” sector which includes several hilly and jungle areas with very poor communication facilities.

4. It is the submission of the learned counsel for the petitioner that because of her posting in such difficult and remote area, she is not regularly able to look after the needs of her mother. Faced with such difficulty, she has filed a representation dated 20.07.2023, before the Director of Social Welfare Department of Assam, seeking a transfer from her present posting to Katlicherra ICDS Project, as the same is closer to her home, where she and her mother resides. It is submitted that the said representation was submitted enclosing the medical prescriptions relating to her mother. However, the said representation remained undisposed and no orders thereon passed by the competent authority. Being aggrieved, the petitioner is before this Court praying for preferment.

5. Ms M Bhattacharjee, learned Additional Senior Government Advocate, appears on behalf of all the respondents. She prays for an opportunity to complete her instructions.
6. Having heard the learned counsel for the petitioner and upon careful perusal of the writ petition along with the enclosures, it is seen that the petitioner is before this Court with very limited prayer for consideration of her prayer for posting her in Katlicherra ICDS Project, Hailakandi, on the basis of the representation filed. Further prayer is to dispose of the said representation filed by the petitioner.
7. In view of such limited prayers, this Court is of the considered opinion that the writ petition can be disposed of at this stage, without issuance of notice.
8. Accordingly, the writ petition is disposed of with a direction to the Director, Women and Child Development Department, to verify and look into the grievances raised by the petitioner, by way of the representation dated 20.07.2023, stated to have been filed by the petitioner. The authority while disposing of the writ petition will consider sympathetically the prayers made by the petitioner and, thereafter, pass necessary orders. The authority will verify and examine the request made by the petitioner and if found feasible, necessary orders may be passed. Any such order that is passed, a copy thereof will be served on the writ petitioner. The authority concerned will pass necessary orders within a period of 10 days from the date of receipt of a certified copy of this order, which may be filed by either or both the parties, before the Court.
9. Writ petition, accordingly, stands disposed of.
10. Till disposal of the said order, the order dated 5th of February, 2024, only in respect of the petitioner transferring her to Dholai Bagan-02, shall remain stayed.

JUDGE

Comparing Assistant