

GAHC010201702024



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

Case No. : WP(C)/5000/2024

WAHIDA KHANAM
W/O- ALI MUNIB BIN MEHDI, R/O- POWER HOUSE ROAD, P.O. AND P.S.
GOALPARA, DIST.- GOALPARA, PIN- 783101, NOW WORKING AS ASSTT.
MATRON 200 BEDDED CIVIL HOSPITAL, GOALPARA, O/O THE
SUPERINTENDENT, 200 BEDDED CIVIL HOSPITAL, GOALPARA, PIN- 783101

VERSUS

THE STATE OF ASSAM AND 4 ORS
DEPTT. OF HEALTH AND FAMILY WELFARE, DISPUR, GUWAHATI-6

2:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI-36

3:THE DISTRICT COMMISSIONER
GOALPARA
PIN- 783101

4:THE JOINT DIRECTOR HEALTH SERVICES
GOALPARA
PIN- 783101

5:THE SUPERINTENDENT
200 BEDDED CIVIL HOSPITAL
GOALPARA
PIN- 78310

Advocate for the Petitioner : MR. A ROSHID, MS. T BEGUM

Advocate for the Respondent : SC, HEALTH, GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 25/09/2024

Heard Mr. A. Roshid, learned counsel for the writ petitioner. Also heard Mr. D. Borah, learned Standing Counsel, Health and Family Welfare Department, Assam, appearing for the respondent nos. 1, 2, 4 & 5 and Mr. T.C. Chutia, learned Additional Senior Government Advocate, Assam, appearing for the respondent no. 3.

The petitioner herein, who is presently working as a Staff Nurse and posted in the Goalpara Civil Hospital, has approached this Court assailing the transfer order dated 16/09/2024, by means of which, she was transferred and posted in the establishment of Joint Director of Health Services, South Salmara.

The transfer order has been assailed on twin grounds, i.e. firstly, the petitioner is due for retirement on 31/08/2026, which is less than 2 (two) years from today and secondly, that she is suffering from certain ailments.

Law is firmly settled that the transfer is an incident of service. Therefore, an order of transfer shall not be lightly interfered with by the Writ Court. A transfer order can be interfered with by the Court only when a clear case of violation of statutory provisions or *mala fide* exercise of administrative power is made out on the face of the record.

After going through the materials on record and on hearing the submission of learned counsel for the petitioner, I am of the view that no such case is made out by the petitioner. Under such circumstances, this Court is of the opinion that there is no justifiable ground for this Court to interfere with the order of transfer, more so, since as many as 4 (four) persons appear to have been

transferred by the same order.

In so far as the grievance of the petitioner is concerned, it would be open for her to approach the authorities ventilating the same by filing appropriate representation by annexing a certified copy of this order.

It is, therefore, provided that if such a representation is submitted by the petitioner within a week, the same be considered and disposed of on merit, by a speaking order within a further period of six weeks thereafter.

With the above observation, the writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant