

28/07
2026

AD/67/18
266312
NANDY

(CO-DO)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/13544/2026

SUCHISMITA MAHATO & ORS.
VS
THE STATE OF WEST BENGAL & ORS.

Mr. Anjan Bhattacharya, Advocate
Ms. Anita Shaw, Advocate
Ms. Seema Thakur, Advocate

.....for the Petitioner

Mr. D.N. Roy, Learned G.P.
Ms. Aparna Banerjee, Learned A.G.P.

.....for the State

1. The affidavit of service filed today is taken on record.
2. The petitioners are serving as Health Assistant (Female) in the Department of Health and Family Welfare, Government of West Bengal.
3. The petitioners all hail from the district of **Purulia**. However, the petitioners are posted as Health Assistant (Female) in the district of **Paschim Medinipur**. The petitioners seek transfer to their home district.
4. The petitioners on an earlier occasion had filed a writ petition seeking such transfer, which was disposed of on **16.04.2026** directing the Director of Health Services to consider the prayer of the petitioner. The same was considered and by a reasoned order dated **May 14, 2026**; such request for transfer was turned down. It is this order of **May 14, 2026**, which has been challenged in the instant writ petition.
5. The respondent no. 2 had declined the request for transfer on the ground that "there is a clear imbalance between the number of vacant sub-centers and availability of eligible Health Assistant (Female) staff, belong to the same district". Thus, there was an element of public interest first and foremost, which has been rightly taken into consideration by the respondent no. 2.

6. However, the petitioners also placed reliance on information provided to the petitioner pursuant to an application made under the Right to Information Act, 2005. As per this information provided on **June 5, 2026**, it appears that there are approximately **72** vacant posts in the district of **Purulia** in various sub-centers for Health Assistant (Female).
7. It has also been submitted that there is a clear imbalance between the number of vacant sub-centers and availability of Health Assistant (Female) staff belonging to the same district. The situation is unique and it cannot be solved despite attempts. The department has to consider public interest first and foremost at the time of preparation of the posting order.
8. The authority has contended that in terms of the existing order of the Director of Health Services, Government of West Bengal being Memo No. HNG/9T-6A-2015/116 dated January 29, 2024 at the time of preparation of the transfer list, seniority in service of the candidates is given preference. The candidates who submit their transfer through online portal after completion of three years of uninterrupted and satisfactory service is considered.
9. The stand of the State that the Sub-Centers cannot be left without any Health Assistant (Female) staff cannot be brushed aside.
10. Accordingly, the writ petition stands disposed of with the observation that as and when “**reliever/ fresher**” will be available, then the prayer of the petitioners seeking transfer may be considered by the respondent authority irrespective of the fact whether they have completed three years of service or not.
11. The authorities will immediately inform the petitioners as and when “**reliever/fresher**” is available to ensure that

the petitioners can make fresh application for transfer at the material time.

12. The authorities will consider the relevant applications, as and when made strictly in conformity with the parameters set forth in the Notification dated January 29, 2024, without, however, insisting on any criteria, which is or has been already construed as a directory condition.
13. It will be open for the petitioners to make fresh application seeking transfer. Since the concerned online portal is presently unavailable, the petitioners will be at liberty to make the application in offline mode, which shall be considered as such by the respondent authorities. The application shall be considered subject to availability of “**reliever/ fresher**”.
14. The impugned order passed by the respondent authority dated **May 14, 2026** shall be kept in abeyance for the time being.
15. The writ petition stands **disposed of**.
16. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.)

