

Party Name : REKHA SUKLADAS Vs THE STATE OF TRIPURA AND ANR

THE HONBLE MR. JUSTICE S.C.DAS

Heard learned Sr. counsel Mr. S. M. Chakraborty for the petitioner and learned Addl. G.A., Mr. S. Chakraborty for the State-respondents.

The writ petition is taken up for disposal at the order stage itself.

The petitioner is working as an Extension Educator attached to the Office of the Chief Medical Officer, West Tripura, Agartala. By impugned order dated 12.08.2014 (Annexure P/2A to the writ petition) she has been transferred from Agartala to Kumarghat Rural Hospital. The petitioner challenged the order on the ground that she met an accident on 23.01.2012 while was posted at Bishalgarh Sub Divisional Hospital and was under prolonged treatment. On a representation made by her mother in the year 2013 out of sympathy for her treatment she was transferred to the Office of Chief Medical Officer, West Tripura, Agartala on 12.12.2013.

It is contended by the petitioner that she is still suffering from illness because of the accident in her spinal cord and therefore, is not in a position to undertake long journey and to that effect, a medical certificate by a private medical practitioner has been filed.

The impugned transfer order dated 12.08.2014 has been issued with following words:-

“To combat outbreak of Malaria as well as to generate awareness in health related different topics especially on Malaria and other water born diseases in some areas of the State, the following Extension Educators under the Directorate of Family Welfare & Preventive Medicine, Govt. of Tripura, Agartala are hereby transferred to and posted at the places as shown against each in column No.4 with immediate effect for the interest of public.”

Altogether 16 people have been transferred including the petitioner. It is not a case that the petitioner has been singled out and transferred from one place to other place. No allegation of *mala fide* made in the writ petition. Only it is the ground of sympathy as to whether she should be transferred or not. The medical certificate which has been annexed as Annexure P/7 to the writ petition, has been issued by one Dr. Sankar Halder, a private practitioner and the medical certificate reads as follows:-

“This is to certify that Smti. Rekha Sukladas, 50 years, W/O. Sudhan Das, P.O. Champamura Vil Sekerkot, P.O. Amtali is suffering from Prolapse intervertebral disk L5 S1 with Lumber Canal Stenosis. She is under my treatment and has been advised to avoid bending forward, lifting heavy weight, long journey, prolong standing.”

The above certificate has been issued by a private medical practitioner and there is no categorical document of her treatment that she is undergoing treatment till today for the accidental injuries and is not in a position to pursue her normal works. While a transfer has been made in the public interest, might be a person is suffering from some physical ailments but that does not mean that she cannot move at all and in such a case she cannot perform her job.

In the given facts and circumstances of the case, I find no reason at all to exercise power under Article 226 of the Constitution to set aside the transfer order issued by the authority of the petitioner.

The writ petition, therefore, stands dismissed since it is found to be devoid of any merit.