

Dibyendu Bhattacharya
Versus
The State of West Bengal & Ors.

Mr. Jayanta Narayan Chatterjee,
Mr. Debashis Banerjee,
Mr. Supreem Naskar
...for the Petitioner.

Mr. Manas Kumar Kundu,
Mr. Sudip Sarkar
...for the State.

The petitioner as Nirman Sahayak engaged under the Hariharpur Gram Panchayat. He was working there since 2004. Sometime in the year 2012 the petitioner met with an accident. He claims to have undergone surgery. It is further submitted that the petitioner continued to work under the Hariharipur Gram Panchayat until 2019. He was deputed for a short period of Magrahat Block Development Office. In the year 2019, the petitioner was transferred to Sridharnagar Gram Panchayat, a distance of 60 km from his residence. He has represented against the same for his alleged physical condition consequent to the accident in the year, 2012. The respondents have not acceded to the same.

The writ petitioner moved to this Hon'ble Court by way of W.P. 874 (w) of 2020 challenging the order of transfer of medical grounds. By an order dated 22nd

January, 2020, the petitioner was directed to appear before a medical board to assess his physical condition and the justification of his grievance against the transfer Sridharnagar Gram Panchayat. The petitioner appeared before a medical board and the respondent authority Magrahat_I BDO communicated to the petitioner that the medical condition and the report of the petitioner did not in any way prevent from joining the place of transfer to Sridharnagar Gram Panchayat.

The petitioner has also been issued a show-cause for unauthorized leave between the 19th December, 2019 till 17th March, 2020.

This court notices that the petitioner's medical condition has been duly assessed by the authorities and his grievance considered and addressed.

Hence, no interference is called for either in respect of the transfer to Sridharnagar Gram Panchayat or with the show-cause notice issued to the petitioner by the respondent.

The writ petition fails and is hereby dismissed.

The petitioner shall however, be entitled to a copy of the medical report submitted by the Medical Superintendent of Diamond Harbour, Government Medical College & Hospital. The said report shall be furnished by the Block Development Officer, Magrahat – I to the petitioner, within a period of one month from the date of communication of this order.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)