

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26242 of 2022

Bijali Barman
Vs.
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
... For the petitioner

Mr. Pradyot Kumar Das
... For the State

The petitioner participated in a selection process and became successful for recruitment to the post of Health Assistant (Female). The petitioner's first posting is more than 500 kilometres from the petitioner's home district. The petitioner is discharging her duties in her present place of posting at Murshidabad since May 23, 2022. Records reveal that as per the guidelines of the respondents of a similarly placed employee under the Right to Information Act, 2005, the respondents had specifically noted that the first appointment of the candidates like that of the petitioner needs to be made at a sub-centre in the home district or nearby district, subject to the availability of vacancy.

There are several vacancies in the home district of the petitioner (Coochbehar). The petitioner can, therefore, be easily accommodated at a sub-centre in her home district.

Mr. Anjan Bhattacharya, learned counsel appearing on behalf of the petitioner submits that pursuant to an order passed by a coordinate Bench on August 24, 2022, some of the candidates' representations were considered and they were given a reasonable opportunity of hearing by the Director of Health Services, Nursing Branch, Swasthya Bhawan, Kolkata.

Pursuant to the order passed by the coordinate Bench, the petitioner in WPA 15391 of 2022 was transferred temporarily to Coochbehar, being the district of her residence.

He further submits that the present writ petition be treated as a representation of the petitioner and the respondent no.2/Director of Health Services, be directed to consider the petitioner's prayers for transfer.

Mr. Pradyot Kumar Das, learned counsel appears on behalf of the State of West Bengal. It is submitted that no representation has been made on behalf of the petitioner.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that justice will be sub-served by directing the respondent no.2/Director of Health Services, to consider the writ petition as the representation of the petitioner, within eight weeks from date, upon giving a personal

hearing to the petitioner, if necessary. The representation of the petitioner will be disposed of by way of a reasoned order. Such reasoned order shall be communicated to the petitioner within two weeks of passing thereof.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

With the directions aforesaid, **WPA 26242 of 2022** is **disposed of**.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Lapita Banerji, J.)