

WPA 5580 of 2023

Dr. Suchandrima Das & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Imtiaz Ahmed
Mr. Anindya Sundar Das
Mr. Sounak Ghosh

....for the petitioners

Mr. Tapan Kumar Mukherjee
Ms. Saheli Mukherjee

.....for the State

Affidavit-of-Service filed in Court today be retained with the records.

An undertaking has been given by the petitioners for payment of deficit court fees within the course of the day. In default, the writ petition shall stand dismissed.

Mr. Ahmed, learned Counsel appears on behalf of the petitioners submits that the petitioners are working as Medical Officers (Ayush) as contractual employees under the Health and Family Welfare Department, National Health Mission, Government of West Bengal.

Under the transfer guidelines for contractual employees under the NHM any contractual employee will be eligible for transfer if the employee has served more than six months in a current post. A request for transfer would be considered keeping in view the

availability, administrative convenience and public interest involving the proposed transfer. The eligibility of the candidates for transfer is stipulated under Clause 2 of the transfer guidelines.

It is submitted that 118 medical officers have been transferred pursuant to an order dated March 1, 2023 issued by the Executive Director, W.B.S.H. and Family Welfare Samity. However, the petitioners' prayer for transfer which have been made on several dates from 2018 onwards have not been considered.

Mr. Mukherjee, learned Additional Government Pleader submits that *the petitioners are not entitled to transfer and any order of transfer has to be subject to availability of vacancies and administrative convenience*. Furthermore, he submits that transfer order regarding 118 candidates cannot be quashed since they have not been made parties to the present writ petition.

Considering the submissions of the parties and the materials placed on record, this Court finds that it is not inclined to consider prayer '(d)' of the writ petition which is regarding quashing of the transfer order dated March 1, 2023.

However, since the petitioners fulfil the eligibility criteria of 2022 guidelines the respondent No. 2/the Executive Director (State Health and Family Welfare Samity) is directed to consider the representations of

the petitioners within 10 (ten) weeks from date keeping in mind the eligibility criteria in the guidelines dated May 26, 2022 and pass a reasoned order. Such reasoned order be communicated to the petitioners within one week of passing thereof.

With the aforesaid directions **WPA 5580 of 2023** is **disposed of**.

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.

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

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Lapita Banerji, J)