

4.
2.5.2023
S.D.

W.P.A. 6162 of 2023

Dr. Bithika Bishnu
Vs.
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
Ms. Taniya Saha
Ms. Anita Shaw

.....For the petitioner

Mr. Arka Kumar Nag

..For the State

Affidavit of service filed in Court today is retained with the records.

The petitioner is working in the post of Medical Officer (Ayush) under the National Health Mission (NHM). The petitioner joined in November 2019 under the Block Medical Officer of Health (BMOH), Kustaur, Purulia. The petitioner made an application for transfer on June 7, 2022. Thereafter, reminders were given for considering her application for transfer.

Mr. Bhattacharya, learned counsel appearing on behalf of the petitioner submits that by an order dated March 1, 2023, the respondent authorities considered the prayer for transfer of 118 medical officers (Ayush) from one district to the other whereas the petitioner's prayer was not considered.

Mr. Nag, learned counsel appearing on behalf of the State submits that the factum of the petitioner's pregnancy may not have been relevant during the original application but it was not brought on record in the subsequent reminders.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that justice will be sub-served in the event the petitioner is allowed to make a fresh representation for transfer in the appropriate form, within 7 days from the date of the order. In the event, the said application is made within 7 days, the respondent no. 4/the Programme Officer-1, NHM or any other authority delegated by him shall consider the said application within two weeks of making of the said application considering the advanced pregnancy of the petitioner. It has to be taken into consideration that the petitioner being a pregnant lady has to travel for about 400 kms. every day, in the reasoned order passed by the respondent no. 4 or its delegate.

Let the reasoned order be communicated to the petitioner within one week of passing thereof.

With the directions aforesaid, **W.P.A. 6162 of 2023 is disposed of.**

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

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

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

(Lapita Banerji, J.)