

29.05.2023

Sl. No.1.

S/L.

G.S.Das/

Mithun

Ct.No.05.

WPA 12895 of 2023

Mouboni Mondal & Ors.

Vs.

The State of West Bengal & Anr.

Mr. Anjan Bhattacharjee, Adv.

Ms. Anita Shaw, Adv.

...for the petitioners.

Mr. R.N. Dutta, Adv.

Mr. Bipin Ghosh, Adv.

Mr. Ganga Prasad Mukherjee, Adv.

...for the State.

Counsel for the parties are present.

The petitioners have filed the instant writ application praying for a direction upon the respondent authorities for consideration of their case for posting the applicants in their home District.

Counsel for the petitioners submits that in terms of the Circular dated 29.06.2022, the Health Assistant (Female) generally covers a population of five thousand (Three thousand in Hilly areas and Tribal areas), at the first appointment they will be posted in any service centre in Home Districts or nearby Districts subject to the availability of vacancy. Location of sub-centre itself being their Head Quarter.

Counsel for the petitioners submits that the present writ petitioners though they have appointed in the regular recruitment process as Health Assistant (Female) but they have not been posted in their home Districts till date. Counsel for the petitioners points out the order dated 19th May, 2023 wherein altogether 496 Health Assistant (Female) have been appointed and they have been posted in their home Districts. He submits that the grievance of the petitioners have not been considered till date. Counsel for the petitioners submits that the petitioners would be satisfied if this Court will pass an order by directing the authorities to consider the case of the petitioners for their posting in their home districts or nearby districts in terms of the notification dated 29.06.2022 sympathetically.

Counsel for the respondents submits that the notification has been issued in the year 2022 and subsequent to the notification, authorities have appointed 496 Health Assistant (Female) by order dated 9th May, 2022 and as such the authorities have issued the said order in accordance with the notification dated 29.06.2022. Thus, the petitioners cannot equate with the notification dated 29.06.2022.

Counsel for the respondents also submits that they have not submitted any representation and as such, the respondents would not get an opportunity to

hear the grievance of the petitioners. Heard the learned Counsel for the respective parties perused the materials on record. Admittedly, there is a circular that the Health Assistant (Female) may be posted in home districts or nearby districts subject to availability of the vacancy. The petitioners were appointed in the year 2022 but they have not been posted in their home districts but recently other 496 candidates who has been appointed as Health Assistant (Female) have been posted in their home districts. This Court finds that no purpose will be served keeping the writ petition pending. The petitioners have already made representations for their transfer from their present place of posting to their home districts or nearby districts.

Accordingly, WPA No.12895 of 2023 is disposed of by directing the respondent No.1, Health Secretary, State of West Bengal, Department of Health and Family Welfare to consider the request of the petitioners for their posting at their home districts or nearby districts subject to availability of the posts in terms of the notification dated 29.06.2022 sympathetically so that the petitioners can be posted at their home district or nearby districts.

Since affidavits are not invited, other allegations made are deemed not to have been admitted by the parties.

The authorities are directed to take appropriate decision on the representation of the petitioners within a period of three weeks from the date of receipt of the copy of the order if the authorities require, personal hearing may be given to the petitioners.

(Krishna Rao, J)