

16.
3.7.2023
S.D.

W.P.A. 12965 of 2023
With
CAN 1 of 2023
CAN 2 of 2023

Madhumita Chowni & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
Ms. Anita Shaw
Ms. Taniya Khatun
Ms. Salma Sultana

..For the Petitioners

Mr. Arjun Roy Mukherjee
Ms. Tuli Sinha

...For the State

CAN 1 of 2023 and CAN 2 of 2023 are applications for
addition of parties.

Let the petitioners in CAN 1 of 2023 and CAN 2 of 2023
be added as proforma respondents.

Leave is given to make necessary amendments to the
Cause Title to the learned advocate appearing on behalf of the
applicants.

Mr. Bhattacharya, learned counsel appearing on behalf
of the petitioners and proforma respondents in the writ
petition submits that in terms of a Circular dated June 29,
2022, the Health Assistant (Female) generally covering a

population of 5000 (3000 in hilly areas and tribal areas) are given their first appointment in any service centre of their home districts or nearby districts subject to availability of vacancies. The present writ petitioners have been appointed in the regular recruitment process as Health Assistants (Female). They have not been posted in their home districts. By an order dated May 9, 2023, 496 Health Assistants (Female) were appointed and they have been posted in their home districts. The representations made by the petitioners on several dates have not been considered till date.

Mr. Roy Mukherjee, learned counsel appears on behalf of the State authorities and submits that the respondents may consider the representations of the petitioners, in accordance with law.

Heard the learned counsel and considered the material placed on record.

Admittedly, there is a Circular, which provides for the Health Assistant (Female) may be posted in the home districts or nearby districts subject to the availability of the vacancies. This Court finds that justice will be sub-served by directing the representations of the petitioners and proforma respondents for transfer from their present place of posting to their home districts/nearby district by the respondent no. 2/the

Director of Health Services, Nursing Branch to be considered within a period of 8 weeks from date. Such representations will be disposed of by a reasoned order and the same will be communicated to the incumbents within two weeks of passing of the same. The representations of the petitioners may be considered sympathetically subject to compliance of all the formalities and the availability of the vacancies.

With the directions aforesaid, **W.P.A. 12965 of 2023** along with the applications being **CAN 1 of 2023** and **CAN 2 of 2023** are disposed of.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the present 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 official **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.)

