

07.08.2023
DL-11
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13336 of 2023

Dr. Sayak Mandal
Vs.
The State of West Bengal & Ors.

Mr. Raja Satyajit Banerjee,
Mr. Sourav Sengupta,
Mr. Tanmoy Majumder
...for the petitioner.

Mr. Supriya Majumder
....for the State.

The petitioner is working as an Ayush Medical Officer, contractually engaged under the National Health Mission, Health & Family Welfare Department, Government of West Bengal. The petitioner applied for transfer as per the transfer guidelines since he and his wife were posted far from his place of residence. The petitioner's place of posting was 412 kms, away and spouse's place of posting was 272 kms, away from home. The petitioner has 2 young children. On the date of application on September 12, 2022, the petitioner's elder child was aged about 5 years and the younger child was about 2 months. Furthermore, the petitioner could not attend to his father, who is suffering from multiple medical problems.

The petitioner made an application on September 12, 2022. The candidates who made appropriate applications by March 2023 were selected for counselling. They were intimated through e-mail

dated May 23, 2023. Since the petitioner's application was not received in proper format by March, 2023, the petitioner was not accommodated in the counselling process.

From the written instructions handed over in Court today, it appears that the petitioner's transfer application was received in proper format on May 26, 2023. Such written instructions are retained with the records.

It is submitted on behalf of the State-respondents since the list for the candidates scheduled for counselling were already prepared and the dates were already fixed on May 29, 2023 and May 30, 2023, the petitioner could not be accommodated in such process.

Considering the rival submissions of the parties and the materials placed on record, this Court directs that the petitioner's application dated May 26, 2023 shall be considered by the authorities concerned in the next available counselling process.

The petitioner will not be required to make any fresh application for consideration of his prayer for transfer.

With the directions aforesaid, **WPA 13336 of 2023 is disposed of.**

Since no affidavits have been directed to be exchanged in the writ petition, the allegations

contained therein are deemed not to have been admitted by the respondents.

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

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)