

38.
17.7.2023
S.D.

W.P.A. 14684 of 2023

Shabana Khatun & ors.

Vs.

The State of West Bengal & Anr.

Mr. Anjan Bhattacharya

Ms. Anita Shaw

...for the petitioner

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

Despite service, no one represents the State respondents.

Mr. Bhattacharya, learned counsel appears on behalf of the petitioners.

Leave as prayed for to put in the necessary Court fees, in course of the day is allowed.

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.

Heard the learned counsel for the petitioners 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.

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.)