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12.09.
2023
Ct. No.25

WPA 17057 of 2023

Dr. Sumita Das
Vs
The State of West Bengal & Ors.

Ms. Debanwita Pramanik
Ms. Ananya Chakraborty
.....For the Petitioner
Mr. Tanay Chakraborty
Ms. Mrinalini Majumdar
.....For the State

By an order dated April 11, 2023 passed in WPA 5580 of 2023 this Court directed the Executive Director, State Health and Family Welfare Samity to consider the representation of the petitioner within ten weeks keeping in mind the eligibility criteria for transfer in accordance with the guidelines dated May 26, 2022 of the Medical Officers (Ayush) under the Health and Family Welfare Department, National Health Mission, Government of West Bengal.

In compliance with the said order passed by this Court hearing was given to the petitioner concerned. Thereafter, a reasoned order was passed on May 30, 2023 by the Executive Director, WBSH & FWS. It appears from the said reasoned order that the present petitioner chose Sagar BPHC, Diamond Harbour Health District as her preferred place of posting. Pursuant to the choice exercised by the

petitioner she was posted at the said health centre.

Written instruction filed in court on behalf of the State respondents is retained with the record.

It is grievance of the petitioner that such acceptance of the petitioner was not out of her own volition and she was coerced into acceptance of the same.

Considering the rival submissions of the parties and the materials placed on record, this Court fails to see how the petitioner has been coerced into acceptance of Sagar BPHC as her preferred place of posting when the other candidates refused to accept the postings at the places/health centres where the vacancies were available. Why the petitioner chose Sagar BPHC has not been explained when the other candidates refused such postings. Why the petitioner was not in a position to refuse is a question that has not been satisfactorily answered by the petitioner.

Accordingly, this Court finds no merit in the writ application.

WPA 17057 of 2023 stands dismissed.

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

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Lapita Banerji, J.)