

15.06.2023

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Sl. No. 34

Ct. No. 25

WPA 28301 of 2022

Sita Rani Haldar Mondal

-Versus-

The State of West Bengal & Ors.

Mr. Kaustav Banerjee

..... for the petitioner

Mr. Gourav Das

.....for the State

The petitioner has challenged an order of transfer dated November 2, 2022 issued by the Child Development Project Officer(CDPO), ICDS project, Rajarhat. By the impugned order dated November 2, 2022, the petitioner was transferred from Thakdari Coral Garden-298(MB-II), Thakdari Baidyapara-246 (MB-II). The petitioner was rendering her service as an Anganwadi worker (AWW). One Kanchan Sarkar(AWW) was transferred from Thakdari Baidyapara-246(MB-II) to Thakdari Coral Garden-298(MB-II).

Mr. Banerjee, learned counsel appearing on behalf of the petitioner submits that such order of transfer was with an ulterior motive and *mala fide* intention. Since the petitioner complained against the ICDS Supervisor, the impugned transfer order was issued against the petitioner. Therefore, the said impugned order should be set aside and quashed.

Mr. Das, learned counsel appearing for the State respondents submits that there is no *mala fide*

intention or ulterior motive in transferring the petitioner. He submits a copy of the police report in Court today. Such report is retained with the record.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the order of transfer dated November 2, 2022 was for administrative purpose. The same was a mutual order of transfer.

From the police report, it appears that the petitioner did not perform her duties in a manner that was befitting her post. She was irregular in her duty and did not distribute the mid-day meal properly. The complaint against the ICDS Supervisor is also stated to be due to ulterior motive of the petitioner. The ICDS Supervisor and CDPO have been falsely implicated as per the said report dated January 2, 2023 of the Inspector-in-Charge, New town P.S., Bidhannagar Police Commissonerate.

This Court has no reason not to believe the contents of the said report. Transfer is an incident of service. In the event the petitioner is not performing her job satisfactorily at her place of posting the CDPO is well within his authority to transfer the AWW to a different centre.

In the light of the discussions above, **WPA 28301 of 2022 is dismissed.**

Since no direction has been passed for exchange of affidavits in the present writ petition, all the

allegations contained therein are deemed not to be admitted by the parties.

On the prayer made on behalf of the petitioner it is held that in the event, the petitioner seeks to join the present place of posting at Thakdari Baidyapara-246 (MB-II) within a period of one week from date, she will be permitted to do so by the authority concerned, subject to compliance of all the formalities.

All parties shall act on the server copies 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.)