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03.05.2024
d.p.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 12648 of 2024

**Chandan Suvra Das
-versus
The State of West Bengal & Ors.**

**Mr. Anindya Sunder Deb,
Mr. Sounak Ghosh,
Mr. Surajit Singh,
Mr. Ratul Deb Banerjee,
Mr. Subrata Mondal.
...For the Petitioner.**

**Mr. Lalit Mohan Mahata, AGP
Mr. Prasanta Behari Mahata.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner was serving as Sahayak of a Gram Panchayat in the district of Purulia. He sought for transfer on medical ground.

By order of transfer dated 10th January, 2023 as many as 157 Sahayaks have been transferred. The petitioner is one of them.

The petitioner submits that he has been transferred to a very far off place and because of his health issues he would not be in a position to join his present place of posting.

The Sub-Divisional Officer arranged for a hearing to hear the submission of the petitioner apropos the order of transfer. Despite having knowledge of the date

of hearing, the petitioner deliberately remained absent. A reasoned order has been passed by upholding the place of transfer.

The petitioner also deliberately refused to accept the release order that was sought to be served upon him. Subsequently, the release order was sent to the petitioner through post. Even thereafter, he refused to accept the same, then the release order was mailed to the email ID of the petitioner.

Fact remains that the service of a Sahayak is a transferable one. The transfer order has been issued in public interest. It does not appear that there is any mala fide intention of the employer to issue the transfer order. The petitioner deliberately refused to join the transferred place of posting.

The Court is not inclined to exercise jurisdiction in the instant matter.

The writ petition fails and is hereby dismissed.

The instruction forwarded by the District Panchayat & Rural Development Officer, Purulia dated 2nd May, 2024 be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)