

13.06.2024
Item No. 6
Crt.No.22
b.r.

WPA 15432 of 2024

Amrita Sarkar
-vs-
The State of West Bengal & Ors.

Ms. Sangeeta Roy
Mr. Sandeep Prasad Shaw
Ms. Monalisa Maity
Mr. Aman Kumar Singh
..... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata
.... For the State.

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

The petitioner has been suffering from serious disease at her liver with multiple tumors. The petitioner has a two years old child.

Mr. Sandip Prasad Shaw, learned advocate appearing for the petitioner submits that previously on the same ground the petitioner moved a writ petition **WPA 1514 of 2024** and the same was disposed of by a co-ordinate Bench by an order dated **April 18, 2024** when the **respondent no. 2** was directed to consider the transfer of the petitioner on medical ground.

The respondent no.2 then passed its reasoned order, *inter alia*, dated **June 7, 2024**, annexure p-9 at **page 66** to the writ petition. The petitioner was transferred to **Ratua-II Panchayat Samity**.

Learned counsel for the petitioner submits that the distance between the residence of the petitioner and the said **Ratua-II Panchayat Samity** is about **43 Kms**, whereas **Habibpur Panchayat Samity** where the petitioner is presently employed is **26 Kms**.

This above submissions made on behalf of the petitioner is denied and disputed by Mr. Lalit Mohan Mahata, learned Additional Government Pleader appearing for respondent nos. 1 to 9. He submits that the distance between the residence of the petitioner and **Ratua-II is 22 Kms**.

Be that as it may, as a **special case**, the **respondent no.2** shall further consider the issue once again if the petitioner can be transferred at a nearer place adjacent to her residence, **subject to availability of vacancy**.

The exercise as directed above shall be carried out and completed by the **respondent no.2** by passing a reasoned order positively within a period of **two weeks** from the date of communication of this **order** and then shall communicate the reasoned order to the petitioner positively within a further period of **one week** from the date of the said reasoned order to be passed.

It is made clear that till the time the reasoned order is communicated to the petitioner, the petitioner

shall carry on her employment at **Habibpur Panchayat Samity.**

It is further made clear that till the said decision is taken and communicated to the petitioner, the transferred post at **Ratua-II Panchayat Samity** where the petitioner has been transferred shall not be filled up.

This embargo shall automatically be lifted without any reference to this Court after **four weeks** from the date of communication of this order.

It is further made clear that if no such vacancy is available at a nearer place adjacent to the petitioner, the said reasoned order of the **respondent no.2** dated **June 7, 2024** shall be operative and will have its effect in full force and the petitioner shall join at **Ratua-II Panchayat Samity.**

If the transfer is made as directed herein then the said reasoned order dated June 7, 2024 shall be of no effect or further effect.

It is further made clear that **this order shall not be treated** as a **precedence** in any manner.

On the above terms, this writ petition, **WPA 15432 of 2024** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)