

17-04-2026
Item No.14
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.1641 of 2026

Alisa Rahaman

-vs-

The State of West Bengal & Ors.

Mr. Soumya Ray
Ms. Reshmi Mukherjee
Mr. Asho Halder ...for the petitioner

Mr. Tanmoy Kumar Ghosh, SGA
Mr. Anis Dutt Sharma ...for the State

1. The petitioner is serving as Health Assistant (Female). Her allegation is that she has not been released from her place of posting despite issuance of an order of transfer.
2. Prayer has been made to direct the respondents to issue release order immediately pursuant to the order of transfer.
3. Upon perusal of the instructions forwarded by the Chief Medical Officer of Health, Murshidabad signed on March 11, 2026, it appears that there are multiple complaints against the petitioner of gross negligence of duty leading to gross hampering of mother and child health services in the area and an e-file has been initiated and sent to the Director of Health Services, West Bengal for starting departmental proceeding against her. A request has been forwarded to keep her transfer in abeyance till the disciplinary proceeding is completed.
4. The said report further mentions that the

petitioner is posted in Chachanda II Sub centre, Shamshergunj. No reliever has been engaged in that place.

5. The function of the health assistant is extremely important as she is the main team lead in the sub-centre for providing immunization, maternal and child health services and family planning service, apart from other services in the sub centre. In the absence of a reliever, a health assistant cannot be released; or else the public interest will suffer.
6. From the submissions made on behalf of the parties it appears that the petitioner has already challenged the decision of the authority for initiating departmental proceeding against her, and the matter is reportedly pending consideration before the West Bengal Administrative Tribunal in OA No.629 of 2025.
7. As it appears that the petitioner is already facing departmental proceeding and her order of transfer has been requested to be kept in abeyance, accordingly, the prayer of the petitioner for relieving her in terms of the order of transfer cannot be accepted. Till the transfer order is kept in abeyance, there is no scope for issuance of release order in her favour.
8. It will be open for the petitioner to proceed with her application before the competent forum for challenging the departmental proceeding initiated against her. It is only after revival of the order of transfer that the petitioner may pray for issuance of the release order in her favour.
9. The writ petition is dismissed.
10. All parties are to act on the server copy of this order duly downloaded from the official website of

this Court.

11. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]