

05.03.2026  
Court No.18  
Item No.23  
sudipta

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**W.P.A. 2442 of 2026  
Marium Khatun  
Vs.  
The State of West Bengal & Ors.**

Mr. Anjan Bhattacharya  
Ms. Seema Thakur

...for the petitioner

Mr. Amal Sen, Ld. AAG  
Mr. Debdooti Dutta

..for the State

1. Affidavit of service filed today is taken on record.
2. Instruction submitted by the learned advocate representing the State be retained with the records.
3. The petitioner is serving as Health Assistant (Female) in the Department of Health and Family Welfare, Government of West Bengal. She alleges that she has been posted to a far off place in Murshidabad. She prays for transfer to her home district, Cooch Behar.
4. Reliance has been placed on the order dated 28<sup>th</sup> May, 2024 passed by this Court in WPA 14922 of 2024 (Ranu Hazra and others Vs. The State of West Bengal and others) wherein the Court directed the authority to consider the prayer of the petitioners

therein for consideration of their representations seeking transfer to their home district.

5. It has been submitted that in compliance of the direction passed by the Court in the matter of Ranu Hazra and others (supra), the Director of Health Services considered the prayer of the Health Assistants and an order of transfer has been passed on 11<sup>th</sup> December, 2025 in respect of all the petitioners in the matter of Ranu Hazra and others (supra).
6. Prayer has been made to direct the Director of Health Services to consider the prayer of the petitioner seeking transfer to her home district.
7. The aforesaid submission and prayer of the petitioner is opposed by the learned counsel representing the State. Circular dated 29<sup>th</sup> January, 2024 published by the Director of Health Services has been placed before the Court.
8. It has been submitted that transfer applications may be considered only after completion of three years of uninterrupted and satisfactory service, subject to availability of vacancy and all types of prayer for transfer is to be submitted in the online portal.

9. It has been submitted as the petitioner was appointed only in the year 2024, she has not yet reached the eligibility to file application seeking transfer.
10. On a perusal of the documents annexed to the writ petition, it appears that the Director of Health Services, after considering the Circular dated 29<sup>th</sup> January, 2024 passed the order of transfer in respect of as many as 156 Health Assistants who did not complete the three years of uninterrupted and satisfactory service.
11. The Director of Health Services accepted the plight of the Health Assistants in being posted at districts far away from their home district and passed order of transfer despite observing that there may be huge disparity between the vacancy and the immediate requirement of Health Assistant.
12. The act of the Director in allowing transfer without completion of three years of interrupted and satisfactory service implies that the Circular dated 29<sup>th</sup> January, 2024 is primarily directory in nature.
13. Accordingly, the instant writ petition stands disposed of by directing the Director of Health Services to consider the prayer of the petitioner

seeking posting in her home district in the manner as has been considered in the matter of Ranu Hazra and others (supra) at the earliest but positively within eight weeks from the date of communication of this order.

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

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

**(Amrita Sinha, J.)**