

25th March., 2026
Item no.D/L 04
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 5823 of 2026**

In the matter of :
Mursalina Khatun *Petitioners*
VS.
The State of West Bengal & Ors.*Respondents*

For the Petitioners:
Mr. Anjan Bhattacharyya
Ms. Anita Shaw
Ms. Seema Thakur*Advocates*

For the State:
Mr. Sanjay Mukherjee*Advocate*

1. Affidavit of service filed in Court today is taken on record.
2. 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 at a far off place from her home district.
3. Reliance has been placed on the order dated 28th May, 2024 passed by this Court in WPA 14922 of 2024 (Ranu Hazra & Ors. Vs. The State of West Bengal & Ors.) 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.
4. It has been submitted that in compliance of the direction passed by the Court in the matter of Ranu Hazra & Ors. (supra), the Director of Health Services considered the prayer of the Health Assistants and

an order of transfer has been passed on 11th December, 2025 in respect of all the petitioners in the matter of Ranu Hazra and Ors. (supra).

5. Prayer has been made to direct the Director of Health Services to consider the prayer of the petitioner seeking transfer to her home district.
6. The aforesaid submission and prayer of the petitioner is opposed by the learned counsel representing the State respondents. Circular dated 29th January, 2024 published by the Director of Health Services has been placed before this Court.
7. 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.
8. It has been submitted as the petitioner was appointed only in the year 2024 and she is not eligible to file application seeking transfer.
9. On a perusal of the documents annexed to the writ petition, it appears that the Director of Health Services, after considering the Circular dated 29th 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.
10. 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 Assistants.

11. The act of the Director in allowing transfer without completion of three years of uninterrupted and satisfactory service implies that the Circular dated 29th January, 2024 is primarily directory in nature.
12. 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 & Ors. (supra) at the earliest but positively within a period of eight weeks from the date of communication of this order.
13. The writ petition stands disposed of.
14. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)