

22nd April., 2026
Item no.D/L 06
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 8176 of 2026**

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

For the Petitioner:
Mr. Biswarup Nandy *....Advocate*
For the State:
Ms. J. Rubana *....Advocate*

1. Affidavit of service filed in Court today is taken on record.
2. The petitioners are serving as Health Assistant (female) in the department of Health and Family Welfare, Government of West Bengal.
3. They claim to be similarly placed as that of Marium Khatun petitioner in WPA 2442 of 2026 and Ranu Hazra & Ors. petitioners in WPA 14922 of 2024.
4. They pray for similar relief allowed by the Court in the matter on Ranu Hazra (supra) on 28th May, 2024 and in the matter of Marium Khatun (supra) on 5th March, 2026.
5. Learned advocate representing the State respondents relies on the instruction forwarded by the OSD & Ex-Officio, Director of Health Services (Nursing) signed on 20th April, 2026 which mentions that in order to maintain overall balance to provide uninterrupted public

service, the authority is compelled to place candidates in those districts where huge vacancies are there in the Sub-Centres. Number of eligible Health Assistant (Female) candidates from those respective districts is very less and vice versa. Posting of candidates belonging to other districts is inevitable.

6. It has also been submitted that there is clear imbalance between the number of vacant Sub-Centers and availability of Health Assistant (Female) staff belonging to the same district. The situation is unique and it cannot be solved despite attempts. The department has to consider public interest first and foremost at the time of preparation of the posting order.
7. The authority has contended that in terms of the existing order of the Director of Health Services, Government of West Bengal being Memo No. HNG/9T-6A-2015/116 dated 29th January, 2024 at the time of preparation of the transfer list, seniority in service of the candidates is given preference. The candidates who submit their transfer through online portal after completion of three years of uninterrupted and satisfactory service is considered.
8. The stand of the State that the Sub-Centers cannot be left without any Health Assistant (Female) staff cannot be brushed aside. Accordingly, the writ petition stands disposed of with the observation that as and when relievers will be available, then the prayer of the petitioners seeking transfer may be considered by the respondent authority irrespective of the fact whether they have completed three years of service or not.

9. It will be open for the petitioners to make fresh application seeking transfer. The application shall be considered subject to availability of relievers.
10. The impugned order passed by the respondent authority dated 9th February, 2026 shall be kept in abeyance for the time being.
11. The writ petition stands disposed of.
12. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)