

GAHC010095622025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2435/2025

DR DAKJI DULOM
D/O LATE TADAK DULOM, PRESENTLY TRANSFERRED AND POSTED AT
COMPOSITE HOSPITAL, BSF, AGARTALA, P/R/A HOUSE NO. 2, HOME
SWEET HOME, S.O.S ROAD, BORJHAR, GUWAHATI-781015

VERSUS

THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, GOI,
NEW DELHI- 110003

2:THE DIRECTOR GENERAL
BSF
CGO COMPLEX
LODHI ROAD
NEW DELHI-110003

3:THE DEPUTY INSPECTOR GENERAL (MEDICAL)
MS CAPFS CH BSF
PATGAON
GUWAHATI (ASSAM)

4:THE DEPUTY INSPECTOR GENERAL (MEDICAL)
MS CAPFS CH BSF
AGARTALA
TRIPUR

Advocate for the Petitioner : MR. R MAZUMDAR, MR. R DEKA, MS T WAPANGLA, MRS P
RAI

Advocate for the Respondent : DY.S.G.I., MR. B SHARMA (C.G.C.)

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

06.05.2025

Heard Mr. R. Mazumdar, learned counsel appearing for the petitioner. Also heard Ms. B. Sarma, learned CGC appearing for the respondents.

The petitioner placed before this Court that she is employed as an Anaesthetist Technician at the Composite Hospital BSF, Patgaon, Guwahati. By order dated 24.03.2025, she has been transferred from Patgaon to Agartala. Her movement order was issued on 30.04.2025 and she has been struck off the strength of the Composite Hospital BSF, Patgaon, Guwahati with effect from the forenoon of 01.05.2025.

The petitioner submits that her two daughters are presently school-going children, with the elder daughter scheduled to appear for the Class 10 board examination in 2026. Therefore, at this stage, her transfer from Patgaon, Guwahati to Agartala would be detrimental to the scholastic pursuits of her children, particularly the elder one. In view of the same, she has submitted a representation before the authorities, praying for child care leave, as reflected in her application dated 30.04.2025.

It is submitted by the learned counsel for the petitioner that applications for child care leave, when submitted, are required to be duly and effectively considered by the competent authorities. However, in the present case, the movement order was issued without considering the petitioner's application for child care leave, which had already been submitted prior to the issuance of the

said order.

The learned counsel has referred to orders passed by Coordinate Benches and the judgment of the Hon'ble Apex Court in support of this contention.

Ms. B. Sarma, on the other hand, submits that she would like to obtain instructions in the matter.

Considering the submissions made and also taking note of the fact that child care leave is provided under Rule 43 of the Central Civil Services (Leave) Rules, it is incumbent upon the authorities to consider the petitioner's representation and pass appropriate and reasoned orders, taking into account the hardship expressed by the petitioner. Pendency of this writ petition will not be a bar for the authorities to pass a speaking order on the said representation filed by the petitioner and stated to be pending.

Let the matter be listed again on 16.05.2025, by which date the learned Central Government Counsel shall obtain the necessary instructions in the matter. Till the next date fixed, the movement order shall not be enforced in respect of the writ petitioner.

JUDGE

Comparing Assistant