

GAHC010210212019



2026:GAU-AS:87

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

Case No. : WP(C)/6409/2019

BHABESH KALITA
S/O RAMESH KALITA, R/O H.NO. 34, UJJAL NAGAR, HENGRABARI,
GUWAHATI, PIN-781036, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
SOCIAL WELFARE DEPTT. DISPUR, GUWAHATI-6

2:THE DIRECTOR
SOCIAL WELFARE DEPTT. UZANBAZAR
GUWAHATI-1

3:THE PRINCIPAL
STATE BAL BHAWAN
GUWAHATI

4:THE SUPERINTENDENT
STATE HOME FOR WOMAN
JALUKBARI

5:APURBA SARMA
PEON (GRADE-IV)
O/O THE SUPERINTENDENT
STATE HOME FOR WOMAN

JALUKBARI
GUWAHATI-

Advocate for the Petitioner : MR. A D CHOUDHURY,

Advocate for the Respondent : GA, ASSAM,

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR
ORDER

05/01/2026

Heard Mr. N K Bora, learned counsel for the petitioner and Ms. M Bhattacharjee, learned Additional Senior Government Advocate appearing for the respondent Nos. 1 to 4.

2. None has entered appearance on behalf of the respondent No. 5.

3. The challenge in the present proceedings is to an order of transfer dated 26.08.2019 issued by the then Director of Social Welfare, Assam, Guwahati, transferring the petitioner from the office of the Principal, State Bal Bhawan, Guwahati to the establishment of the Superintendent, State Home for Woman, Jalukbari vice the respondent No. 5, herein.

4. The petitioner was initially appointed as a Grade-IV employee in the establishment of the Program Officer, Divisional ICDS Cell, Nagaon vide an order dated 28.10.2015. Thereafter, vide an order dated 07.06.2016, the then Director, Social Welfare, Assam proceeded to attach the services of the petitioner to the Directorate of Social Welfare, Assam with immediate effect. Subsequently, vide an order dated 10.08.2018, the petitioner was transferred from the establishment of the Divisional Program Officer, Nagaon to the office of the Principal, State Bal Bhawan, Guwahati. The petitioner, accordingly, joined his transferred place of posting and was continuing therein.

5. Poised thus, the petitioner was issued with an order dated 26.08.2019 transferring him from the office of the Principal, State Bal Bhawan, Guwahati to that of the

Superintendent, State Home for Woman, Jalukbari vice the respondent No. 5.

6. Being aggrieved, the petitioner has instituted the present proceeding.

7. I have heard the learned counsels for the parties and also perused the materials available on record.

8. The contention of the learned counsel for the petitioner is that the impugned order dated 26.08.2019 was so passed within a period of 1 (one) year from the date the petitioner was transferred to the office of the Principal, State Bal Bhawan, Guwahati and accordingly, the same was not sustainable.

9. This Court vide order dated 02.09.2019, while issuing notice in the matter was pleased to stay the effect and operation of the order dated 26.08.2019.

10. The office note reveals that service of notice upon the respondent No. 5 was completed. However, he has not appeared in the present proceedings. Further, the order dated 26.08.2019 being stayed, the respondent No. 5 has also not raised any grievance with regard to the interim direction passed in the present proceedings.

11. In view of the above, without entering into the merits of the matter, considering the long lapse of time occasioning since the issuance of the order dated 26.08.2019 and during the period the petitioner having continued in the office of the Principal, State Bal Bhawan, Guwahati, this Court interferes with the order dated 26.08.2019.

12. Having interfered with the order dated 26.08.2019, this Court provides that it is open to the respondent authorities to consider the case of the petitioner for transfer in the event exigencies of service so demand. Accordingly, the petitioner, if found required to be transferred from the present place of posting, his case be considered strictly in accordance with the policy in place in this connection and appropriate orders be passed by the concerned authority in this connection.

13. Till such orders are passed, the petitioner shall continue as a Grade-IV employee in the establishment of the Principal, State Bal Bhawan, Guwahati.

14. With the above observation and direction, the present writ petition stands disposed of.

JUDGE

Comparing Assistant