

GAHC010230292024



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

Case No. : WP(C)/5739/2024

JERINA MAHBOBA
W/O- IFTIKAR ALI,
R/O- WARD NO. 7, MANGALDAI TOWN,
P.O. AND P.S.- MANGALDAI,
DIST.- DARRANG, ASSAM,
PIN- 784125.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM,
HEALTH AND FAMILY WELFARE DEPARTMENT,
DISPUR, GUWAHATI- 6, ASSAM.

2:THE MISSION DIRECTOR
NATIONAL HEALTH MISSION
ASSAM
SAIKIA COMMERCIAL COMPLEX

NEAR POST OFFICE BUS STAND

CHRISTIANBASTI
GUWAHATI- 5

ASSAM.

3:THE EXECUTIVE DIRECTOR
NATIONAL HEALTH MISSION
ASSAM
SAIKIA COMMERCIAL COMPLEX

NEAR POST OFFICE BUS STAND

CHRISTIANBASTI
GUWAHATI- 5

ASSAM.

4:THE JOINT DIRECTOR
HEALTH SERVICES CUM MEMBER SECRETARY
DISTRICT HEALTH SOCIETY
DARRANG
DIST.- MANGALDAI
ASSAM

For the Petitioner(s) : Mr. G. Baishya, Advocate

For the Respondent(s) : Ms. A. Das, SC, Health Department

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : --08.11.2024

Issue notice making it returnable on 14.11.2024.

2. Ms. A. Das, the learned Standing Counsel, Health Department appears on behalf of the respondent Nos. 1 to 4 and accepts notice.
3. As the respondent Nos. 1 to 4 are duly represented, extra copies of the writ petition be served upon them during the course of the day.
4. The petitioner who works as a Block Data Manager on contractual basis under the National Health Mission (NHM) at Sipajhar Block Primary Health Centre, was transferred vide the impugned transfer order dated 27.09.2024 whereby the petitioner who has been transferred from the Sipajhar Block Primary Health Centre to Ghilamora Block Primary Health Centre is in the district

of Lakhimpur.

5. Mr. G. Baishya, the learned counsel appearing on behalf of the petitioner has submitted that the distance between the present place of posting to the transferred place of posting is more than 300 Kms. and it would cause great inconvenience and difficulties to the petitioner to sustain her in the said place of posting. He therefore, submits that the impugned order be stayed pending notice.

6. This Court however, takes note of that the impugned order was passed on 27.09.2024 and the petitioner has approached this Court by filing the writ petition only on 30.10.2024. Under such circumstances, without providing an opportunity to the respondents to get the instructions, it would not be in the interest of justice to stay the impugned order of transfer.

7. Accordingly, the learned Standing Counsel, Health Department appearing on behalf of the respondent's is directed to obtain instructions, as to why the petitioner has been transferred from the present place of posting to Ghilamora Block Primary Health Centre and as to whether the same is in public interest.

8. List accordingly.

JUDGE

Comparing Assistant