

GAHC010230292024



undefined

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

Advocate for the Petitioner : MR G BAISHYA, MR I AHMED

Advocate for the Respondent : SC, HEALTH,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 21.01.2026

- 1.** Heard Mr. G Baishya, learned counsel for the petitioner. Also heard Ms. A Bora, learned Standing counsel, National Health Mission, Assam appearing for the State respondents.
- 2.** The petitioner in the present writ petition has presented a challenge to an order dated 27.09.2024 by which she was transferred from Sipajhar, B.P.H.C to Ghilamara, B.P.H.C. It is to be noted that the petitioner was working as a Block Data Manager under the National Health Mission, Assam. Being aggrieved by the said order of transfer, the present writ petition was instituted. It is to be noted that this Court had not passed any interim direction staying the effect and operation of the impugned order dated 27.09.2024. However, it is

brought to the notice of this Court that the petitioner had not joined her services in her transferred place of posting and is also not continuing to discharge her duties at her earlier place of posting.

3. Mr. G Baishya, learned counsel for the petitioner submits that the petitioner was on medical leave for ailments suffered by her which had prevented her from proceeding to undertake the transfer, as ordered in her case. He further submits that the petitioner is required to look after her old and ailing mother who stays at Dalgaon and accordingly, she was not in a position to undertake the order of transfer.

4. Having made the above submissions, Mr. G Baishya, learned counsel for the petitioner submits that the petitioner is willing to undertake the transfer as ordered in her case vide the order dated 27.09.2024.

5. Ms. A Bora, learned Standing counsel submits that the petitioner's services were not found to be satisfactory and a large number of complaints were brought on record against her. However, in lieu of instituting departmental proceedings against the petitioner, she was transferred from her place of posting vide issuance of the impugned order dated 27.09.2024.

6. Noticing the submissions made by Mr. G Baishya, learned counsel for the petitioner that the petitioner is presently willing to join at her transferred place of posting, this Court would not proceed to examine the challenge made to the impugned order dated 27.09.2024 on merits and accepting the said willingness shown by

the petitioner, would direct the petitioner to assume charge at her transferred place of posting in terms of the order dated 27.09.2024 within a period of 15(fifteen) days from today.

7. In the event the petitioner resumes her services within a period of 15(fifteen) days from today at her transferred place of posting in the district of Lakhimpur, the respondent authorities shall permit her to assume the charge of the post to which she was so transferred. However, the petitioner shall not be entitled to any back-wages for the period she has not rendered any service. Further, the petitioner, on joining her services at Lakhimpur district, is permitted to submit a representation to the Mission Director, National Health Mission, Assam praying for consideration of her case for transfer to the district of Darrang. In the event of submission of such representation, the respondents shall consider the same according to its own merits. Further, in the event there exists any allegation against the petitioner, the present order would not bar the respondents from enquiring into the same and passing appropriate orders thereon, in accordance with law.

8. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant