

GAHC010230292024



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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 SUMAN SHYAM**

ORDER

11.03.2025

Heard Mr. G. Baishya, learned counsel appearing for the petitioner. Ms. A.

Borah, learned Standing Counsel, NHM is present for the respondents.

In this writ petition the petitioner, who is a contractual employee serving as a Block Data Manager posted at Sipajhar Block Primary Health Centre under the National Health Mission, has assailed the impugned order dated 27.09.2024, by which he was transferred and posted at Ghilamora Block Primary Health Centre in the district of Lakhimpur.

Taking note of the grounds taken in the writ petition, this Court had granted time to the respondents' counsel to file affidavit. Accordingly, affidavit has been filed.

The core question that would arise for consideration in this case is as to whether,

a contractual employee such as the writ petitioner can be transferred from one district to another?

Ms. Borah, learned counsel for the NHM submits that such a transfer is permissible. She, however, could not bring on record any such policy decision of the department. Moreover, it appears that the transfer of the petitioner was triggered by a complaint made by the District Commissioner of Darrang regarding her unsatisfactory performance. Therefore, an element of punitive measure in the transfer cannot be ruled out.

Ms. Borah prays for some more time to obtain further instruction and place on record the policy decision, if any, regarding inter-district transfer of contractual employees.

Prayer allowed.

Let this matter be listed again after three weeks.

JUDGE

Comparing Assistant