

06-03-2026
Item No.12
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.5132 of 2026

Aheri Das

-vs-

State Urban Development Agency & Ors.

Mr. Subrata Mukhopadhyay

Ms. Kakali Dutta

Mr. Shamit Sanyal

Ms. Srijata Mukherjee

Ms. Sananda Chatterjee ...for the petitioner

Mr. Susanta Pal

Ms. Ananya Neogi

...for SUDA

Mr. Gouranga Kumar Das

Mr. Atanu Basu

...for Union of India

1. The petitioner was selected for engagement by the State Urban Development Agency as Manager-Social Development and Infrastructure under Howrah Municipal Corporation under NULM for a period of one year from December 1, 2016. The engagement was temporary and subject to termination with at least one month's notice.
2. By an order dated February 26, 2026, the Director, State Urban Development Agency and the State Mission Director, WBSULM posted the petitioner in the Darjeeling Municipality. The order of posting mentions that in the interest of public service and administrative exigency and for optimal utilization of human resource, the assignment of the State Mission Managers are redistributed to the urban local body with

immediate effect. The said Mission Managers were directed to report to their new place of posting immediately.

3. The petitioner submits that she is a single mother and her only daughter is currently studying in a school near her residence. She has also to look after her father who is aged of 85 years and suffering from various old age ailments. The mother of the petitioner is nearly 73 years and is also suffering from various ailments. There is none apart from the petitioner to take care of her family consisting of her minor daughter and her aged ailing parents.
4. It has been submitted that it is practically impossible for the petitioner to discharge her duty in the Darjeeling Municipality. Submission is that the service of the petitioner is not transferable and that the authority could not have posted the petitioner to such a far off place. The petitioner prays for reconsideration of the impugned order of posting.
5. Learned counsel for the State Urban Development Agency, the first respondent herein, submits, upon instruction, that the project in which the petitioner was initially engaged was financed by the Central Government. Financing by the Central Government has since stopped. The State Government is funding the same at present. It has been submitted that the reason for posting the petitioner in a different municipality is disclosed in the order of posting.
6. Though there is no proof of service of the representation of the petitioner, but learned counsel for the petitioner insists that the representation seeking reconsideration of her

posting in the Darjeeling Municipality was sent through e-mail.

7. Learned counsel for the authority, however, disputes receiving such e-mail communication from the petitioner.
8. The second respondent – the Director and Chief Executive, State Urban Development Agency – is, therefore, directed to revert with written instructions as regards the prayer of the petitioner seeking reconsideration of her place of posting.
9. The authority shall take into consideration the exigencies pointed out in the representation of the petitioner annexed to the writ petition to arrive at a decision in the matter.
10. Relist the matter for further consideration on March 13, 2026.
11. Leave is granted to the petitioner to file supplementary affidavit annexing necessary documents which arose subsequent to the filing of the instant writ petition and serve a copy of the same upon the learned counsel for the respondents by March 10, 2026.
12. Learned counsel for the Central Government shall also revert with instructions as regards funding of the scheme by the Union of India.
13. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
14. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

