

M/L 252
31.03.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 29483 of 2024

Sumitra Saha @ Sumitra Saha Bibi

Vs.

The State of West Bengal & Ors.

Ms. Santi Das
Ms. Satabdi Das
Mr. N.K. Roy

...for the Petitioner.

Mr. Susanta Pal
Mr. Prabir Kumar Ray

...for the State.

1. The petitioner challenges the order dated September 20, 2024 passed by the Child Development Project Officer, English Bazar ICDS Project, Malda rejecting her prayer for transfer.

2. The petitioner is serving in the ICDS project since 1997. She is a physically challenged lady. According to the petitioner, as she made certain allegation against the Supervisor of Jodupur-I Gram Panchayat, Jaya Sarkar, she was transferred from the Jodupur-I Gram Panchayat to the Gabgachia Gram Panchayat as per the transfer order dated February 5, 2020.

3. The said transfer order dated February 5, 2020 is annexed to the report filed by the authority. The same mentions that the transfer order is issued as per the application made by the petitioner.

4. Specific contention of the petitioner is that she never applied for transfer.

5. Report filed by the respondents contains orders dated May 31, 2022, June 23, 2022 and July 13, 2022, all addressed to the petitioner.

6. Learned advocate for the petitioner denies receipt of any of the said orders.

7. The orders annexed to the report do not have any proof of service. In the absence of the service proof, it is to be taken that the subject orders may have been prepared by the CDPO but were never served upon the petitioner or the said orders were prepared only for using the same for opposing the instant case. The petitioner never had an opportunity to respond to the said orders.

8. It has been brought to the notice of the Court that the petitioner has not been paid her remuneration since September 2022. The petitioner has also prayed for disbursal of such remuneration in her favour.

9. Learned advocate for the petitioner alleges that she was severely beaten up and not permitted to perform duty. According to the report of the CDPO, the petitioner voluntarily withdrew from service.

10. The averment of the CDPO that the petitioner voluntarily withdrew from service is disbelieved by the Court. A disabled lady working as an ICDS worker, in dire need of finances, will certainly not withdraw voluntarily from service.

11. As the petitioner claims to be 50% disabled and has difficulty in free movement, accordingly, the matter is referred back to the Block Development Officer, English Bazar, Malda to hear the petitioner and consider her objection against the order of transfer after taking into consideration her physical disability.

12. The Block Development Officer shall ascertain the reasons which stood in the way of the petitioner to perform her duties.

13. A decision shall be taken by the Block Development Officer, English Bazar, Malda at the earliest but positively within a period of twelve weeks from the date of communication of this order.

14. If it is found that the petitioner was restrained by any person of the respondent authority from performing her duties, then the Block Development Officer shall also take a decision regarding payment of her arrear dues keeping in mind that she was not responsible for not reporting to duty and may have been compelled not to perform her work.

15. The impugned order dated September 20, 2024 passed by the CDPO, English Bazar ICDS Project, Malda is directed to be kept in abeyance till a decision taken by the Block Development Officer in compliance of the direction passed hereinabove.

16. The petitioner will be permitted to produce and rely upon all necessary documents in support of her stand.

17. Exception by the petitioner to the report filed by the CDPO in Court today be kept with the records.

18. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

19. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)