

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/284/2026

Dr. Smily John

Vs

The Chief Secretary and Others

Mr. Gopala Binnu Kumar ... for the petitioner

Mr. V. D. Sivabalan

Mr. Arun S. Kumar ... for the respondents

June 12, 2026

[AKB]

Item No.5

The petitioner is aggrieved that the order dated June 9, 2026 being order no. 31 issued by the Secretary Health/MD (NHM&NAM) directing her transfer to the Diglipur Island is not sustainable in law and should be set aside.

The petitioner seeks an ad-interim order staying the said order of transfer on the ground that her medical condition is not appropriate for transfer to such a far flung Island and therefore, she should not be burdened with serving at the Diglipur Island.

The petitioner had filed an earlier writ petition, which was disposed of by order of May 21, 2026 directing the authorities to take a decision on her transfer to Diglipur.

It is pursuant to this aforesaid order of May 21, 2026 that the order of transfer dated June 9, 2026 has been passed.

The petitioner is a contractual employee with NHM and according to Mr. Kumar, not covered by the transfer policy of April 19, 2018 which applies to Central Government Employees only.

According to Mr. Kumar appearing for the petitioner, the petitioner being a lady of 59 years of age, with less than two years of service left, cannot be transferred to the Diglipur Island.

Mr. Sivabalan appearing for the respondents submits that the circular of 19th April, 2018 applies squarely to the petitioner and the question of the transfer of the petitioner being stalled on medical ground does not arise as the petitioner had not provided the requisite medical certificate from the duly constituted Medical Board, which could have been considered by the authorities.

Transfer is not a matter of right nor is continuation in a particular place for a prolong period of time a right given to any person. If the situation so demands and for administrative exigency, a person who has entered into a contract of employment with the State authority, is bound to accept the order of transfer and take steps in accordance therein. However, in the present case since the petitioner is 59 years old and suffers from a medical condition, the rejection of her application by the authorities on the ground that a proper medical certificate was not submitted should be reconsidered. The petitioner is granted liberty to produce appropriate certificate by a duly constituted Medical Board as stipulated in the Circular of 19th April, 2018. The authority is directed to consider such medical certificate and revisit the issue of transfer of the petitioner in light of such medical certificate alone.

The order of June 9, 2026 being Order No. 31 is kept in abeyance till the issue is revisited by the authority by July 31, 2026.

This order will not create any equity or right in so far as the petitioner's stand that she should not be transferred to Diglipur is concerned.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

(Reetobroto Kumar Mitra, J.)