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26.07.2022
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W.P.A. 6434 of 2022
(Sumangal Banerjee vs. State of West Bengal & Ors.)

Mr. Saktipada Jana
.... For the Petitioner

Dr. Sutanu Kr. Patra
Ms. Supriya Dubey
.... For the WBCSSC

Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee
.... For the State

Mr. Kamalesh Bhattacharya
Mr. Anindya Bhattacharya
.... For the School Authority

The petitioner has applied for transfer on medical grounds prior to completion of five years of service in the Sheoraphuli Surendra Nath Vidyaniketan (H.S.). The application for transfer was returned by reason of the five-year restriction. The petitioner submits that the five-year restriction should not be applied to him since he is physically handicapped.

The discussion is rather academic since the petitioner has now completed five years. In any event, since the petitioner's disability, albeit up to 40%, was already existing at the time when he entered into service, the petitioner cannot be allowed to take advantage of such disability and apply for transfer on medical grounds. The petitioner's disability is even

otherwise less than 60% under the amended transfer policy.

However, since the petitioner has completed five years of service, he may apply for general transfer in accordance with law and the authority shall deal with the same in accordance with the rules within the time frame stipulated therein.

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

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)