

18.08.2022
Court No.13
Item No.230
Saswata

WPA 8533 of 2022

Anushree Das
Vs.
The State of West Bengal and Ors.

Mr. Sudip Ghosh Chowdhury
Mr. Argha Das
Mr. Abhishek Das
Mr. Abhijit Majumder

... For the petitioner.

Mr. Bhaskar Prasad Vaisya, AGP
Mr. Sagnik Chatterjee

...For the State.

Mr. Sourav Mitra
Mr. Suman Dey

...For the WBCSSC.

Affidavit of service filed in Court today is taken on record.

The petitioner's application for transfer on the medical ground of her daughter was made before the expiry of 5 years and the posting has not been processed by the school.

It is well settled that the 5 year restriction cannot be applied to transfer on special ground. Under those circumstances, the petitioner's daughter's medical condition shall be independently verified by the head of the institution from the BMOH. Based on the opinion of the BMOH, the petitioner shall be dealt with strictly in terms of 2015 rules.

The impugned order refusing NOC to the petitioner shall stand set aside.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)