

02.08.2022
Court No.13
Item No.176
AP

WPA 8666 of 2022

**Papiya Biswas
Vs.
The State of West Bengal and Ors.**

Mr. Anjan Bhattacharya
Ms. Anita Shaw

... For the petitioner.

Ms. Chaitali Bhattacharya

..For the State.

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

..For the WBCSSC.

Ms. Koyeli Bhattacharya

..For the WBBSE.

The petitioner is aggrieved by the fact that her application for transfer on medical ground has been returned for want of certificate from the BMOH.

The 2015 Rules clearly specify that a transfer application on medical grounds is required to be refereed by the Head of the Institution to the BMOH for appropriate opinion.

The returning of the petitioner's application for transfer is, therefore, incorrect and illegal and set aside.

The petitioner shall apply afresh on the same ground and the Head of the Institution shall forward the petitioner's application to the BMOH for seeking appropriate opinion on the petitioner's medical condition.

Upon receipt of such opinion from BMOH, if it is specified therein that the petitioner's medical condition is severe, the same may be forwarded to the concerned

District Inspector of Schools for further action at their end in terms of the 2015 Rules within the time specified thereunder.

With the aforesaid observations, the 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.)