

23.08.2022
Court No.13
Item No.407
pk

WPA 8906 of 2022

**Sankar Manna
Vs.
The State of West Bengal and Ors.**

Mr. Sudipta Dasgupta,
Mr. Arka Nandi,
Ms. Dipa Acharyya,
Mr. S. Nayek

... For the petitioner.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey.

..For the WBCSSC.

Mr. Samrat Sen, Ld. A. A. G.,
Mr. Raja Saha,
Mr. Biswabrata Basu Mallick

... for the State.

Mr. Swapan Pal,
Ms. Rama Haldar

... for the respondent nos. 6 to 8.

The petitioner's application for transfer on medical ground has been declined by the head of the Institution on the ground of paucity of teachers. The Higher Secondary Section of the School is seriously jeopardized for want of enough teachers.

It is now well settled that an application for transfer on medical grounds cannot be stalled by the head of the Institution except with the reference to an opinion to the contrary from the BMOH.

In those circumstances, the petitioner's application for transfer on medical grounds shall be referred for the opinion of BMOH by the head of the Institution. Based on the opinion of the BMOH as regards the medical condition of the petitioner, appropriate steps shall be

taken by the head of the Institution in accordance with the Rules of 2015 as amended from time to time.

The head of the Institution shall act immediately upon receipt of a copy of this order.

For the aforesaid purpose, the petitioner may apply afresh with a new choice of schools.

Upon transfer of the petitioner in terms of the Rules, 2015 suitable number of teacher/teachers shall be posted in the school by the respondents.

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.)