

25.08.2022.
Court No.13
Item No. 233
ap

W.P.A. No. 9328 of 2022
Dipam Khatua
Versus
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya,
Ms. Anita Shaw.

...For the petitioner.

Mr. Sourav Mitra,
Mr. Suman Dey.

..For the WBCSSC.

Supplementary affidavit and affidavit-of-service
filed in Court today are taken on record.

The petitioner's application for transfer on
medical grounds of his wife has been returned by the
District Inspector of Schools (SE), South 24 Parganas
on the ground that he has not completed five years in
the present School.

A transfer sought on medical grounds does not
attract the bar of five years under the 2015 Rules.

This Court also notices that the Head of the
Institution has forwarded the petitioner's application
for transfer, without referring to any medical opinion
of the concerned BMOH.

If such opinion has not been obtained by the
Head of the Institution, the petitioner's application
shall be referred by the School to the BMOH for an
opinion on the medical condition of the petitioner's
wife.

Let such opinion be obtained from the concerned BMOH within a period of two weeks from date. Based on the opinion, the respondents including the School shall take all necessary steps under the 2015 Rules and the time frame stipulated thereunder.

In the event of the petitioner's transfer is made, the respondents shall post a suitable person instead and place of the petitioner in the said School.

With the aforesaid directions, the instant writ petition shall stand 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.)