

Court No. 17

WPA 11164 of 2022

24.08.2022

(A 65)

(S. Banerjee)

Lakshmi Rani Manna Samanta

Vs.

The State of West Bengal & Ors.

Md. Sarwar Jahan
Mr. Pradip Kumar Ghosh

... for the petitioner

Ms. Sanghamitra Nandi
Mr. Debapriya Chatterjee

... for the State

Mr. Saikat Banerjee
Mr. Ratul Biswas

... for the Board

Mr. Kamal Mishra

... for the DPSC (Purba Medinipore)

Let the supplementary affidavit and the affidavit of service filed in court today be kept with the record.

The petitioner made her application for transfer in respect of which the Chief Medical Officer of Health, Purba Medinipore ('CMOH', for short) on 26.05.2022 opined that the petitioner is suffering from other (severe) diseases but it has not been mentioned what are the other diseases. The petitioner, as per the direction of the concerned District Primary School Council ('DPSC', for short) opted again for some schools and his papers have again been sent to the CMOH by the concerned DPSC.

In my view a fresh certificate is required to be given to the petitioner where the CMOH must indicate what are the other severe diseases and how he has come to learn that she is suffering from other severe diseases. Until the prevalent medical reports etc. are considered and referred in the certificate of the CMOH, the certificate will not be accepted by the DPSC.

Hence, the CMOH is directed to take appropriate steps in this regard by two months from the date of communication of this order and to communicate the certificate to the petitioner and also to the DPSC by the said time period.

If the report is in favour of the petitioner, then the authorities concerned should take steps for her transfer from her present school to another, as has been opted by her. Such consideration is to be done by the authorities in case the medical report is in favour of the petitioner, by one month after receiving the said report. If the report is not in favour of the petitioner, it goes without saying that the petitioner would not get any opportunity as of now for transfer.

With the above observation and direction this writ application is disposed of.

(Abhijit Gangopadhyay, J.)