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24.01.
2022
Ct. No.17

WPA 16840 of 2021

Ram Prasad Bera
Vs.
The State of W. B. & Ors.

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya
.....For the Petitioner
Mr. Malay Singh
.....For the State

This is a matter of general transfer on special ground. The petitioner is suffering from various ailments. His transfer application has been recommended by the Managing Committee of the school and according to the Commissioner of School Education in compliance with the order of this court dated 27.04.2021 in WPA 9054 of 2021 Rule 7(1) and Rule 7(2) have not been complied with. Rule 7 (1) of the Rule, namely, West Bengal School Service Commission (General Transfer, Transfer on Special Ground and Re-allocation) Rule 2015, under which the case of the petitioner was considered and also Rule 7(2) of the aforesaid Rules, the following have been laid down:

***“7. Procedure for General Transfer on
Special Ground under rule 4(1)(a) and rule 4(1)(b) –***

*(1) the teacher shall submit application with
sufficient documents for consideration of*

the Managing Committee in connection with the transfer on medical ground.

(2) The Managing Committee may, after examination of the prayer and after receiving views of the Medical practitioner of the committee, forward the prayer with resolution to the District Inspector of Schools (Secondary Education) who will forward after verification of vacancy as per option submitted by the teacher and non-teaching staff where he /she may desire to be transferred, to the School Education Department.”

The school has forwarded the application of the petitioner without complying with Rule 7(2). The Commissioner has said that the teacher did not submit application with sufficient documents for consideration of the Managing Committee also.

Hence, I direct the petitioner to submit application once again following Rule 7(1) and I direct the Managing Committee to comply with the above Rule 7(2) for receiving the views of the Medical Practitioner of the Committee. After compliance of the above two Rules if the Managing Committee is of the opinion that the transfer application may be forwarded to the District Inspector of Schools, it shall do so within a period of two weeks from date of

receiving the view of the Medical Practitioner. The District Inspector of Schools thereafter will take steps according to the above named Rules as because the transfer proceeding was initiated under the said Rules and not under the Utsasree Portal. The Medical Practitioner will give his views by three weeks from the date of receiving the request of Managing Committee for receiving his views.

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

(Abhijit Gangopadhyay, J.)