

WPA 18350 of 2021

Pampa Bhattacharjee
vs.
The State of West Bengal & Ors.

Mr. Kalamesh Bhattacharyya,
Mr. Aninda Bhattacharya.
... for the petitioner

Mr. Supriyo Chattopadhyay,
Mr. Sabyasachi Mondal.
... for the State

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey.
... for the SSC

Ms. Saswati Chatterjee.
... for the Board

The petitioner applied for transfer from her present school to another. From the writ application, it is found that there is a list of teachers prepared by the Office of the concerned District Inspector of Schools who applied for transfer for medical reasons where medical examinations were pending. In that list the name of the petitioner was at serial no. 23. Her name was sent to Chief Medical Officer of Health through a memo dated 24th September, 2021 and against her name one remark is there for 'review'.

Today, learned Advocate for the State has handed over a copy of the letter of the District Inspector of Schools dated 10th

February, 2022 enclosing therewith a medical certificate for school teacher issued from the Office of the Superintendent, District Hospital Howrah. In the bottom of the said certificate, it is found that the petitioner was diagnosed with serious ailments including serious heart disease. The District Inspector of Schools have written in the letter dated 10th February, 2022 which has been produced before this Court that in the report of the C.M.O.H. dated 27th October, 2021, recommendation has been made in favour of the petitioner.

It appears from the writ application from page 59 that the application of the petitioner reached School Service Commission but it was reverted back to her from the School Service Commission without any reason. It was received by the petitioner on 6th November, 2021. Now as the petitioner's ailment comes within the list of diseases for which she can be transferred.

Hence, I direct the School Service Commission to revisit the matter and to transfer the petitioner within a period of ten days from the date of communication of this order to the school she selected. However,

the petitioner is granted liberty to file a fresh application only for the purpose of naming the school which are vacant now so that she can select schools for the reason that the school selected by her may have been filled up in the meantime. So, the school is to be selected by the petitioner through the new application and such application has to be considered by the School Service Commission and she has to be transferred within time, which has already been indicated above.

The present school will also give her release order without creating any hassle for her.

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

(Abhijit Gangopadhyay, J.)