

25.08.2022
Court No.13
Item No.204
AP

WPA 20652 of 2021

**Mousumi Chowdhury
Vs.
The State of West Bengal and Ors.**

Mr. Ujjal Roy

... For the Petitioner.

Mr. Bhaskar Prasad Vaisya
Mr. Arindam Chattopadhyay

... For the State.

Mr. Sutanu Kumar Patra
Ms. Supriya Dubey

... For the WBCSSC.

The petitioner's application for transfer on medical ground has been withheld by the head of the institution on the ground that the petitioner is a single teacher in the subject.

An application for transfer on medical ground cannot be declined on the ground of only teacher in the subject in the school.

The single teacher bar is even otherwise no longer available to the respondents under the amendment of the Rules of 2015.

In view of the above, the petitioner shall be entitled to file an application afresh for transfer on medical ground immediately.

Upon receipt of the application the head of the institution shall refer the matter for opinion of the BMOH. Based on such opinion, suitable steps shall

be taken to deal with the application of the petitioner in terms of the 2015 Rules by the respondents.

The head of the institution shall take decision of the matter within a period of two weeks from the date of receipt of the medical opinion from the BMOH.

The petitioner is directed to serve a copy of this order upon the respondent authorities immediately.

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.)