

Court No. 17

WPA 20898 of 2021

04.04.2022

(AD 68)

(S. Banerjee)

Milan Kumar Jana

Vs.

The State of West Bengal & Ors.

Mr. Kanailal Samanta

... for the petitioner

Mr. Arindam Chattopadhyay

Ms. Lipika Chatterjee

... for the State

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the SSC

The petitioner applied for transfer on medical ground which went up to the School Service Commission.

The Commission by their remark dated 10th November, 2022 wanted that the conditions of government order dated 8th September, 2021 are to be satisfied.

The case of the petitioner is that as the petitioner applied before the said government circular dated 22nd September, 2021 came into effect, his case is to be considered under the unamended General Transfer Rules of 2015 without taking into consideration the said circular dated 22.09.2021.

I find reasonableness in the submission of the learned advocate for the petitioner and, therefore, I

direct the Commission to revisit the issue keeping in mind the conditions for transfer on medical ground as was there in the unamended General Transfer Rules, 2015 without being influenced by the said circular dated 22.09.2021.

I direct the Commission also to give an opportunity of hearing to the petitioner by four weeks from date and to pass a reasoned order thereon by two weeks thereafter. That order is to be communicated to the petitioner, to the concerned District Inspector of Schools and to the school where the petitioner is working now.

If the Commission finds that the petitioner is eligible to be transferred to other school nearer to his residence, the Commission will take steps accordingly without keeping the matter pending.

With this direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)