

31.08.2023
SL No.121
Court No.8
(gc)

MAT 1045 of 2023
CAN 1 of 2023
CAN 2 of 2023

Raghunath Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
...for the Appellant.
Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee
...for the State Respondents.
Ms. S. Sen
...for the B.D.P.S.C.

Re: CAN 1 of 2023

1. The Stamp Reporter has filed a report stating that the appeal is in time.
2. In view thereof, the application for condonation of delay is disposed of by recording that the appeal is in time.

Re: MAT 1045 of 2023
with
CAN 2 of 2023

3. The affidavit of service filed in Court is taken on record.
4. We have heard the learned Counsel for the parties.
5. Considering the medical examination report annexed to the writ petition dated 26.11.2022, we direct the Commissioner of School Education, West Bengal to consider whether the case of the petitioner can be

considered for general transfer under special circumstances.

6. The Commissioner of School Education shall take into consideration all the relevant documents including the medical report and certificate relied upon by the writ petitioner/appellant in the appeal.
7. We direct the Commissioner to dispose of the matter within a period of four weeks from the date of communication of this order by either of the parties.
8. In the event the Commissioner is of the view that for medical ground the writ petitioner can be transferred, it would be open for the Commissioner to find a suitable school where he can be transferred.
9. The Commissioner shall give an opportunity of hearing to the writ petitioner before taking a decision and shall dispose of the matter by a reasoned order.
10. The reasoned order shall be communicated to the writ petitioner within a week from the date of passing of the said order.
11. The impugned order is set aside.
12. The appeal succeeds.

13. Accordingly, the appeal and the application stand disposed of.

14. However, there shall be no order as to costs.

15. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)