

18.12.2023
SI No.22
Court No.8
(gc)

**MAT 2404 of 2023
CAN 1 of 2023**

**Ananya Gorai
Vs.
The State of West Bengal & Ors & Ors.**

Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das,
Mrs. Shreyeta Mitra,

.....For the Appellant
Mr. Vimal Kumar Shahi,
Mr. Vijay Agarwal,

.....For the State.

1. The petitioner underwent surgery for cancer in the year 2019. She joined service in the school in 2021. At that time, she was aware that she was required to serve the institution for a period of five years. The petitioner cannot come within the purview of the general transfer as she was well aware of the appointment and that she was suffering from cancer for five years. This case cannot be considered to be one where a teacher had developed certain diseases covered by the relevant regulations in course of her employment. It is in this background, the learned Single Judge was of the view that the petitioner's prayer for transfer *stricto sensu* therefore cannot be on medical grounds.

2. It is submitted on behalf of the appellant that there is a surplus teacher of the pupil-teacher ratio. Her case for transfer is on medical grounds.
3. Although, we are of the view that she does not come within the purview of the general transfer on special grounds as she only joined the school when she was suffering from cancer, however, depending upon the report of the CMOH, the District Inspector of Schools (P.E.), Paschim Bardhaman may consider the application sympathetically within a reasonable time.
4. With the aforesaid observation, the appeal and the connected application are disposed of.
5. However, there shall be no order as to costs.
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)