

Sl No. 63
09.03.2023.
SB-II
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 2511 of 2022

**Amaresh Mondal
-versus
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Mr. Anirban Banerjee,
... For the petitioner.

The petitioner is a teacher in a High School. He applied for transfer on account of illness of his spouse. The said application for transfer was however returned as the disease mentioned in the medical certificate issued by the CMOH is allegedly not included in the list of diseases mentioned in the Government Order dated 8th September, 2021.

The petitioner has annexed the certificate issued by the office of the Superintendent, District Hospital, Jalpaiguri wherein it is mentioned that the wife of the petitioner is suffering from certain diseases and she has been found to be unfit.

According to the petitioner, the disease mentioned in the certificate issued by the District Hospital, Jalpaiguri is a heart disease and is covered by the Government Notification dated 8th September, 2021.

The grounds for transfer mentioned in the notification dated 8th September, 2021 include heart disease of the incumbent or his spouse.

In the present case, the petitioner contends that his spouse is suffering from serious heart disease and in support of the said submission reliance has been

placed upon the certificate issued by the District Hospital, Jalpaiguri.

In view of the above, the reason for returning the application of the petitioner seeking transfer appears to be contrary to the Government Notification relied upon by the authority.

Accordingly, the West Bengal Central School Service Commission is directed to reconsider the prayer of the petitioner seeking transfer relying on the medical documents issued by the District Hospital, Jalpaiguri and the Notification dated 8th September, 2021 issued by the Government of West Bengal, School Education Department.

A decision shall be taken in the matter within a period of four weeks from the date of communication of this order and, if required, the authority may conduct fresh medical examination of the spouse of the petitioner to ascertain the exact ground of illness and thereafter decide as to whether the disease from which the spouse of the petitioner is alleged to be suffering is covered by the Notification dated 8th September, 2021.

The medical examination and the consideration shall be positively made within the aforesaid period of four weeks.

The decision shall be communicated to the petitioner immediately thereafter.

The impugned rejection dated 14th December, 2021 is accordingly set aside.

WPA No. 2511 of 2022 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)