

November 24, 2023
Sl. No. 6
Court No.2
s.biswas

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

WPA 2576 of 2023

Sandip Goon
vs.
The State of West Bengal and others

Mr. Sudip Ghosh Chowdhury
Mr. Gopal Roy

... for the petitioner

Mr. Momenur Rahman
Mr. Sandip Guha Roy

...for the State

Mr. Bikramaditya Ghosh

...for the SSC

Affidavit of service filed by the petitioner is taken on record.

The petitioner sought general transfer on special grounds as he has been certified by competent authority to be suffering from hearing disability upto 60%. Hearing disability is included in the category of physical disability. It is a congenital disability suffered by the petitioner. It appears that the School Service Commission had turned down the application on the ground that the petitioner had not completed five years of service.

It appears to the Court that a person with physical disability can apply for general transfer on special grounds and according to the

interpretation of the rules, five years of confirmed service is not necessary, when a person with physical disability seeks such transfer on special grounds.

Under such circumstances, the writ petition is disposed of with direction upon the School Service Commission to allow the prayer for transfer of the petitioner in accordance with rules. The petitioner shall be shown the vacancy position so that he may exercise his option, as available. The decision shall be taken by the appropriate authority of the School Service Commission and necessary orders shall be issued in the off-line mode. The entire exercise shall be completed within a period of two months from the date of communication of this order.

The earlier rejection of the prayer of the petitioner is set aside.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)