

Ml- 31.07.2024
430 Ct.18
rkd

W.P.A. 4132 of 2023

Himangshu Bala

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra

....for the petitioner.

Mr. Sourav Mitra

....for the WBCSSC.

At the time of call the learned advocate representing the petitioner undertakes to file affidavit-of-service in course of this day.

Matter relates to transfer of the petitioner on medical ground.

It has been submitted by the learned advocate representing the petitioner that on 23rd April, 2022 petitioner made application for transfer on medical ground and the same was processed by the school authority where petitioner is presently serving and thereafter was forwarded to the concerned District Inspector of Schools (S.E.), Murshidabad for taking further steps.

It is also submitted by the learned advocate for the petitioner that subsequently the concerned District Inspector of Schools took all necessary steps and also obtained report on medical

verification from the CMOH. Thereafter the concerned District Inspector of Schools forwarded the transfer application of the petitioner along with necessary documents to the office of the West Bengal Central School Service Commission on 18th August, 2022 for taking final decision.

Petitioner prays for direction upon the concerned authority of the Commission to take decision on the transfer application of the petitioner.

Respondents are represented by learned advocates who have jointly submitted that perhaps due to suspension of Utsashree portal with effect from 29th September, 2022 contemporaneous decision on the transfer application of the petitioner could not be taken by the concerned authority of Commission.

However, the learned advocate representing the Commission submits that if direction is given upon the Commission the transfer application of the petition shall be decided in accordance with law.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission being

respondent no.3 to decide the transfer application of the petitioner by four weeks from the date of communication of this order in accordance with law.

The decision to be taken by the Chairman shall be communicated to the petitioner by one week thereafter.

However, it is made clear that suspension of Utsashree portal shall not be a ground for rejecting the transfer application of the petitioner.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)