

08.04.2024
Court No.13
Item No. 316
pk

WPA 5353 of 2024

**Mou Saha
Vs.
State of West Bengal and others**

Mr. Sakti Pada Jana

... for the petitioner.

Mr. Shamim ul Bari,
Ms. Asmita Mitra

... for the DPSC, Malda

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

... for the W. B. B. P. E.

1. The petitioner has applied for intra district transfer from Jalpaiguri to Malda on medical grounds.

2. In those circumstances, the DPSC, Jalpaiguri shall obtain independent medical opinion from CMOH, Jalpaiguri on the petitioner's condition and forward the same with his comments to the West Bengal Board of Primary Education.

3. The West Bengal Board of Primary Education shall thereupon take a decision on the application of the petitioner and pass appropriate orders in accordance with law with the applicable Rules.

4. Let the aforesaid process be carried out offline.

5. It is, however, made clear that if the medical condition of the petitioner was the same at the time of entry into service, five years period for seeking transfer shall be imposed on the petitioner by the Board.

6. Let the aforesaid exercise be completed by the respondents within six weeks from date.

7. The writ petition is disposed of.

8. There will be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)