

Ml- 05.08.2024
25 Ct.18
rkd

W.P.A. 14012 of 2022

Shiuli Nandi

-vs-

State of West Bengal & Ors.

Mr. Ujjal Rayt,
Mr. Arpa Charkraborty,
Mr. Sk. Abdur Rahim

....for the petitioner.

Mr. K. M. Hossain,
Ms. Tuli Sinha

...for the State.

Mr. Sourav Mitra

....for the WBCSSC.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

In spite of service of notice upon the school
authority of Raghunathganj Girls' High School,
Distrcit- Murshidabad the said respondents nos.7
to 9 are not represented today.

Petitioner prays for transfer on medical
ground based on her transfer application dated 19th
April, 2022.

The learned advocate for the petitioner
submits that after making the transfer application
the aforesaid school authority did not comply the
formalities on the ground that taking note of the
roll strength of the said school transfer of the
petitioner may not be permissible, in support of
such contention reliance is placed on a document

at page 21 of the writ petition. Petitioner prays for direction upon the respondent authorities to take decision on her transfer application made on medical ground.

State respondents and the Commission are represented by learned advocates who have jointly submitted that unless transfer application is processed by the school authority and forwarded to the office of the concerned District Inspector of Schools (S.E.) no steps can be taken relating to petitioner's transfer application.

Having considered the submissions made on behalf of the parties and taking note of the materials available on record, it appears that petitioner made application for transfer which has not been forwarded by the school authority on the ground of number of students reading in the said school.

If the petitioner has made application for transfer on medical ground in that event robust roll strength of the school ought not to be a ground for thwarting such transfer application of the petitioner. In this regard reliance has been placed on amended Rule 6(2)(c) and Rule 6(2)(e) as contained in the notification dated 8th September, 2021 which dispensed with the bar imposed

relating to transfer of a teacher on the ground of distance taking note of the roll strength of the school as provided Rule 6(2)(c) by virtue of Rule 6(2)(e).

Hence, the aforesaid school authority being respondent nos. 7 to 9 are directed to forward the transfer application of the petitioner after obtaining certificate from BMOH if the report of BMOH justifies transfer of the petitioner, to the respondent no.5 by four weeks from date.

If transfer application of the petitioner is forwarded by the said school authority to the respondent no.5 steps shall be taken by the said respondent no.5 to process the said transfer application and if medical report from CMOH comes in favour of the transfer of the petitioner, the transfer application shall be forwarded to the concerned authority of the West Bengal Central School Service Commission for taking final decision.

The aforesaid exercise shall be completed by respondent no.5 by four weeks from the date of receipt of transfer application from the school authority.

In the event the transfer application reaches the office of the West Bengal Central

School Service Commission the same shall be finally decided in accordance with law.

Accordingly, the writ petition stands disposed of.

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.)