

13.06.2024
Court No. 18
Item No.08
(Suvendu)

WPA 15310 of 2024

Debabrata Mridha

-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

..... for the petitioner

Mr. Sunit Kumar Roy

.....for the WBCSSC

Ms. Sipra Mazumder

Ms. Prativa Ghatak

.....for the State

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

The writ petition is heard in presence of
the learned advocates representing the
petitioner, State respondents and the West
Bengal Central School Service Commission (for
short, "Commission").

The grievance which has been ventilated
by the petitioner is non-consideration of the
application of the petitioner for transfer on
medical ground.

It is contended on behalf of the petitioner
that being an approved Assistant Teacher in a
Government aided High School and since the

petitioner's wife is suffering ailments, the petitioner is entitled to be transferred on medical ground and in this regard an application has been made on 13th April, 2022. It is also submitted that due to suspension of Utsashree Portal with effect from 29th September, 2022, the application of the petitioner seeking transfer on medical ground due to illness of his wife was not considered. Therefore, prayer is made for issuance of mandamus directing the concerned authority of the Commission to take decision on the application of the petitioner seeking transfer on medical ground in off-line mode.

The learned advocates appearing for the State respondents and the Commission have opposed the prayer of the petitioner on the ground that prior to making application seeking transfer on special ground, an application was made by the petitioner seeking transfer on general ground and such application of the petitioner was rejected by the concerned authorities which prompted the petitioner to make an application seeking transfer on medical ground. Therefore, according to the respondents, the application of the petitioner on medical ground is not *bona fide*.

Having considered the submissions made on behalf of the respective parties and taking note of the document appearing at page 25 of the writ petition, this Court is not inclined to pass an order directing the concerned authority of the Commission to consider the application of the petitioner on medical ground in off-line mode.

It is not a case which needs special treatment in view of the fact that the petitioner first applied for general transfer and when he failed he made application for transfer on medical ground due to illness of his wife.

Accordingly, the writ petition stands dismissed, without any order as to costs.

However, this order shall not preclude the petitioner to make an application seeking transfer in accordance with law, if situation so arises in future.

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

(Saugata Bhattacharyya, J.)

