

26.06.2024
Court No. 18
Item No. 05
(Suvendu)

WPA 15472 of 2024

Munmun Mondal

-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Choudhury
.....for the petitioner

Mr. M.P.Chakraborty
...for the State

Mr. Sunit Kumar Ray
.....for the WBCSSC

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

The petitioner being an Assistant Teacher
has sought for transfer on medical ground by an
application dated 18th September, 2022 since
the petitioner is suffering from serious ailment.

It has been submitted by Mr. Ghosh
Choudhury, learned advocate representing the
petitioner that the school where the petitioner is
serving has forwarded the application of the
petitioner to the District Inspector of Schools
(SE), Bankura for taking necessary steps in this
regard. Notice of this Court has been drawn to
page 26 of the writ petition wherefrom it appears

that the application of the petitioner has been sent to the Chief Medical Officer of Health for medical verification in order to find out the nature of ailment which the petitioner is suffering. It is also submitted that due to suspension of Utsashree portal with effect from 29th September, 2022 the petitioner has not been able to gather further information.

Considering the ailment of the petitioner, prayer is made for expeditious disposal of the transfer application of the petitioner notwithstanding suspension of Utsashree portal.

In support of contention made on behalf of the petitioner, reliance has been placed on the order of the Hon'ble Division Bench dated 20th June, 2024 passed on an intra-court appeal being **MAT 163 of 2024 (Mousumi Patra Vs. State of West Bengal)**.

The State respondents and the West Bengal Central School Service Commission are represented by the learned advocates who have jointly submitted that steps perhaps could not be taken due to suspension of Utsashree portal. However, it is also submitted that in the event direction is given upon the concerned authority of the Commission steps to be taken for

consideration of transfer application of the petitioner which has been made on medical ground provided concerned Chief Medical Officer of Health certifies in favour of transfer of the petitioner.

Having considered the submissions made on behalf of the parties and taking note of the observation of the Hon'ble Division Bench in **Mousumi Patra** (supra), the present writ petition is disposed of by directing the District Inspector of Schools (SE), Bankura being the respondent no. 4 to forward the transfer application of the petitioner to the concerned authority of the West Bengal Central School Service Commission provided the concerned Chief Medical Officer of Health certifies in favour of transfer of the petitioner upon medical verification of the petitioner. Such exercise shall be made by the respondent no. 4 within a period of fortnight from the date of communication of this order.

If application of the petitioner has been transmitted to the office of the Commission, the Chairman of the Commission in his turn shall finally take decision on the transfer application of the petitioner within a fortnight thereafter

after granting opportunity of hearing to the petitioner or her representative. The decision to be taken shall be communicated to the petitioner within one week thereafter.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)