

29.07.2024
Court No. 18
Item No. 05
(Suvendu)

WPA 18207 of 2024

Kartick Das
-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Mr. Shibjit Mitra
.....for the petitioner

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
.....for the WBBSE

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

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

Learned advocate representing the
petitioner submits that last application made by
the petitioner seeking transfer on medical
ground dated 25th August, 2022 was processed
by the concerned school authority where
petitioner is working and subsequently
considered by the concerned District Inspector
of Schools (SE), Bankura and thereafter the
same was forwarded to the office of the West

Bengal Central School Service Commission on 20th October, 2022.

Petitioner prays for final consideration of the said transfer application dated 25th August, 2022 by the concerned authority of the Commission.

The West Bengal Central School Service Commission and West Bengal Board of Secondary Education are represented by the learned advocates.

On behalf of the Commission prayer of the petitioner has been opposed on the ground that previously on several occasions transfer applications of the petitioner were disallowed either by the concerned school authority or by the District Inspector of Schools (SE), Bankura since the concerned Chief Medical Officer of Health did not certify for transfer of the petitioner on medical ground.

According to the Commission, how situation has been altered after the application was made on 25th August, 2022 seeking transfer on medical ground is not discernable.

Having considered the submissions made on behalf of the parties, this Court finds that transfer application dated 25th August, 2022

was forwarded by the concerned District Inspector of Schools being the respondent no. 4 to the office of the Commission for taking decision. This Court finds it proper to direct the Chairman, West Bengal Central School Service Commission being the respondent no. 3 to take final decision on transfer application of petitioner instead of probing into the issue as to why respondent no. 4 forwarded the transfer application of petitioner on 20th October, 2022 to the Commission.

Accordingly, the writ petition stands disposed of by directing the Chairman, West Bengal Central School Service Commission being the respondent no. 3 to take final decision on transfer application of petitioner by four weeks from the date of communication of this order and decision to be taken by the respondent no. 3 shall be communicated to the petitioner by one week thereafter.

However, it is made clear that respondent no. 3 shall be at liberty to consider the entire issue including the certificate issued by the concerned CMOH on medical verification of the petitioner while taking decision on the aforesaid transfer application.

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 undertakings.

(Saugata Bhattacharyya, J.)