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31.07.2024
Ct. No. 18
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W.P.A. 18536 of 2024

Mukul Nag
Vs.
The State of West Bengal & Ors.

Mr. Shamim Ul Bari
Ms. Jhilik Singha
Ms. Asmita Mitra
...for the petitioner

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

Mr. Ananda Gopal Mukherjee
...for the respondent no. 10

Mr. Nirmalya Biswas
...for the State

Mr. Sunit Kumar Roy
...for the SSC

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

Matter relates to transfer of the petitioner on medical ground due to ailment of petitioner's wife. It has been submitted by the learned advocate for the petitioner that application for transfer on medical ground was made on 6th August, 2022 before the school authority where petitioner is presently serving and the school authority without medical verification which was required to be made by the BMOH forwarded the transfer application of the petitioner to the District Inspector of Schools (SE) North 24 Parganas being

respondent no. 4 for taking further steps. It is contended on behalf of the petitioner that medical verification of the wife of the petitioner was made on 14th October, 2022 by the CMOH on the matter being referred by the respondent no. 4 but subsequently no steps have been taken by the said respondent no. 4. Petitioner prays for direction upon the concerned respondent authorities to take final decision on the transfer application.

Respondents and the school authority are represented by learned advocates who have made their submissions.

It is submitted on behalf of the school authority that though at the material point of time transfer application of the petitioner was forwarded to the office of the District Inspector of Schools but there is dearth of teachers in the school having robust roll strength therefore transfer of the petitioner may create difficulties so far the said school is concerned.

Having considered the submissions made on behalf of the parties it appears that the school authority upon adopting Managing Committee resolution far back on 13th August, 2022 decided to forward the transfer application of the petitioner to the concerned District Inspector of Schools. Therefore, today when the transfer application is pending before the District Inspector of Schools for taking further steps the prayer made in this

writ petition should not have been opposed by the school authority on the count that subsequently school authority felt that the transfer of the petitioner may cause difficulty. It also appears from the submissions made on behalf of the school authority that no deliberation has been made before the respondent no. 4 against transfer of the petitioner during last two years.

In view of aforesaid scenario the respondent no. 4 is directed to forward the transfer application of the petitioner to the concerned authority of the West Bengal Central School Service Commission by fortnight from date of communication of this order if the certificate issued by the concerned CMOH on medical verification of the wife of the petitioner justifies transfer of the petitioner. In the event transfer application is forwarded to the West Bengal Central School Service Commission the concerned authority shall take steps to decide the transfer application in accordance with law.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)