

Ml- 26.09.2024
268 Ct.18
rkd

W.P.A. 18238 of 2023

Joyati Sen Choudhury Adhicary
-vs-
The State of West Bengal & Ors.

Mr. Tamal Tanu Panda

....for the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

....for the State.

Mr. Sourav Mitra

....for the WBCSSC.

Ms. Koyeli Bhattacharyya,

....for the WBSSE.

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

Excepting school authority other
respondents are represented.

Matter relates to transfer of the petitioner
on medical ground and an application for transfer
was made on Utsashree portal on 26th September,
2022.

Petitioner is suffering from gynecological
disorder. It is submitted on behalf of the petitioner
that transfer application of the petitioner though
was forwarded by the school authority where
petitioner is presently serving on 10th November,
2022 but subsequently the concerned District
Inspector of Schools (SE) has not taken steps for

forwarding her transfer application to the West Bengal Central School Service Commission for taking final decision on transfer application of the petitioner.

Notice of this Court has been drawn to the medical report dated 3rd January, 2023 issued by the Chief Medical Officer of Health, Diamond Harbour Health District which supports transfer of the petitioner on medical ground.

It has been submitted on behalf of the concerned District Inspector of Schools (SE) that due to suspension of Utsashree portal contemporaneous decision could not be taken.

In the same breath it has also been submitted on behalf of the State that if direction is given upon the concerned District Inspector of Schools (SE) on taking necessary steps transfer application of the petitioner shall be forwarded to the West Bengal Central School Service Commission.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of directing the District Inspector of Schools (SE), South 24 Parganas being respondent no.3 to forward the transfer application of the petitioner along with medical report to the West

Bengal Central School Service Commission by ten days from the date of communication of this order.

On receipt of transfer application, the Chairman, West Bengal Central School Service Commission being respondent no.7 is directed to decide the transfer application of the petitioner in accordance with law by eight weeks from the date of receipt of transfer application.

The decision to be taken by the respondent no.7 shall be communicated to the petitioner by one week thereafter.

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.)