

11 21.08.2024
rkd Ct.18

W.P.A. 19831 of 2024

Nirmalya Podder

-vs-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das

....for the petitioner.

Mr. Suman Ghosh,
Mr. Gourav Das

....for the State.

Mr. Sourav Mitra

....for the WBCSSC.

Matter relates to transfer of the petitioner on medical ground since the wife of the petitioner is suffering from cancer. Petitioner is an Assistant Teacher in a Government aided secondary school who made application for transfer on Utsashree portal on 23rd June, 2022 and the school authority where petitioner is serving processed the said application and forwarded the transfer application to the District Inspector of Schools (SE), Purba Bardhaman being respondent no.3 for taking further steps.

Mr. Jana, learned advocate representing the petitioner submits in reference to a document at page 52 of the writ petition that 26th July, 2022 was the date fixed for medical verification of the wife of the petitioner by the concerned medical

officer, Purba Bardhaman but on the said date the petitioner along with his wife could not remain present before the medical officer for medical verification since on 26th July, 2022 the wife of the petitioner had undergone an operation at Tata Memorial Hospital, Mumbai. Petitioner prays for direction upon the respondent no.3 to take steps for medical verification of the wife of the petitioner upon fixing a further date.

State respondents and the Commission are represented by learned advocates.

It has been submitted by Mr. Das, learned advocate representing the respondent no.3 that petitioner's wife since is suffering from serious ailments if Court directs the respondent no.3 shall take steps for medical verification of the wife of the petitioner.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of directing the respondent no.3 to obtain report from the concerned medical officer on medical verification of the wife of the petitioner and if the medical report justifies the transfer of the petitioner the transfer application along with medical report shall be forwarded to the concerned authority of the West Bengal Central School Service

Commission for taking final decision.

The aforesaid exercise shall be completed by respondent no.3 by four weeks from the date of communication of this order.

If transfer application of the petitioner is forwarded by the respondent no.3 to the Chairman, West Bengal Central School Service Commission, the Chairman shall take decision in accordance with law on the transfer application.

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.)