

14.08.2024
Court No. 18
Item No. 28
(Suvendu)

WPA 19972 of 2024

Aloke Paul
-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shereyata Mitra
Mr. Afrin Nahar Mondal
....for the petitioner

Mr. Sunit Kumar Roy
.....for the WBCSSC

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

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

Affidavit of service accompanies an
envelope wherefrom it appears that school
authority of Madral High School, District –North
24 Parganas has refused the notice of this writ
petition on 8th August, 2024.

Matter relates to transfer of the petitioner
on medical ground since the child of the
petitioner is suffering from Hepatoblastoma and
had completed ten cycle of Chemotherapy at
Indira Gandhi Institute of Child Health. It is

also submitted on behalf of the petitioner that previously petitioner applied for general transfer on the ground of distance but while considering the previous transfer application it was found by the West Bengal Central School Service Commission that the petitioner did not come within the zone of consideration as a result whereof petitioner could not be transferred. The distance in between the present school of petitioner and his place of residence is approximately 51 Kilometers. It has been submitted on behalf of the petitioner that the child needs constant medical care and supervision due to aforesaid terminal disease warranting petitioner to make offline application before the aforesaid school authority on 30th July, 2024.

Grievance of the petitioner is till date concerned school authority has not forwarded transfer application of petitioner to the concerned District Inspector of Schools for taking further steps.

The West Bengal Central School Service Commission and West Bengal Board of Secondary Education are represented by the learned advocates who have jointly submitted in

reference to a document at page 16 of the writ petition dated 9th May, 2024 that child of the petitioner is suffering from serious ailment requiring immediate consideration of petitioner's transfer application which has been made in offline mode. It is also submitted on behalf of the respondent authorities that if transfer application of petitioner is forwarded to the concerned District Inspector of Schools appropriate steps shall be taken in accordance with law.

Having considered the submissions made on behalf of the parties, writ petition stands disposed of directing the Headmaster of Madral High School, District –North 24 Parganas being respondent no. 5 to forward transfer application of the petitioner to the District Inspector of Schools (SE), Barrackpur being respondent no. 4 by 48 hours from the date of communication of this order since considering ailment of child of petitioner transfer application of petitioner needs to be decided expeditiously. On receipt of transfer application which has been made offline by the petitioner, respondent no. 4 is directed to straightway forward the same to the Chairman, West Bengal Central School Service Commission

being respondent no. 3 by seven days thereafter. Respondent no. 3 is directed to decide transfer application of petitioner on urgent basis by seven days from the date of receiving transfer application of petitioner from respondent no. 4. The decision to be taken by the respondent no. 3 shall be communicated to the petitioner by seven days 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 undertakings.

(Saugata Bhattacharyya, J.)