

W.P.A. 19838 of 2023

**Samir Chandra Mondal
Vs.
The State of West Bengal & Ors.**

Ms. Priyakshi Banerjee

...for the Petitioner

Mr. Vimal Kumar Shahi, Ld. AGP
Ms. Mousumi Banerjee

...for the State

Mr. Sunit Kumar Roy

...for the WBCSSC

Mr. Kunal Ganguly

...for the WBBSE

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

In spite of service of notice upon the authority of
Plassey High School (H.S.), District: Nadia, additional
respondents are not represented today.

Matter relates to transfer of the petitioner on
medical ground since wife of the petitioner is suffering
from ailment. Application for transfer was made on
Utsashree portal but the school authority has refused to
forward the transfer application of the petitioner to the
concerned District Inspector of Schools (S.E.), Nadia
being respondent no.3. Learned advocate representing
the State respondents has placed before this court one
letter dated 26th September, 2024 issued by the
Headmaster of Plassey High School (H.S.), Nadia
wherefrom it appears that the said school authority
instead of obtaining report from Block Medical Officer of

Health instructed the petitioner to submit such medical report. It is also recorded in the said letter dated 26th September, 2024 that since the petitioner could not produce medical certificate from the concerned Medical Officer, transfer application of the petitioner was not processed by the school authority and not forwarded to the concerned District Inspector of Schools (S.E.), Nadia being respondent no.3.

A copy of the letter dated 26th September, 2024 is taken on record.

On perusal of the said letter dated 26th September, 2024, it appears that the aforesaid school authority did not follow appropriate procedure in processing the transfer application of the petitioner. In terms of the relevant procedure for transfer of a teacher on medical ground, it is the duty of the said school authority to obtain medical certificate from the concerned Medical Officer and if such certificate justifies transfer of the petitioner, the application for transfer of the petitioner needs to be forwarded to the concerned District Inspector of Schools (S.E.). Since the aforesaid school authority has failed to take appropriate steps based on transfer application of the petitioner, the school authority of Plassey High School (H.S.), Nadia being respondent nos.9 and 10 are directed to forward the transfer application of the petitioner in offline mode to the respondent no.3 by seven days from the date of

communication of this order. On receipt of transfer application, respondent no.3 shall obtain medical report from the concerned Chief Medical Officer of health on medical verification of wife of the petitioner and if medical report justifies transfer of the petitioner, transfer application of the petitioner shall be forwarded to the West Bengal Central School Service Commission for taking final decision.

Aforesaid exercise shall be completed by the respondent no.3 by three weeks from the date of receiving transfer application from the school authority. In the event, West Bengal Central School Service Commission receives transfer application along with medical report from the respondent no.3, the Chairman of the Commission shall decide the transfer application of the petitioner finally by six weeks thereafter and the decision to be taken shall be communicated to the petitioner by one week thereafter.

It is made clear that suspension of Utsashree portal shall not be a ground for rejecting transfer application of the petitioner.

With the above directions, the writ petition stands disposed of.

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.)