

08.08.2024
Court No. 18
Item No. 12
(Suvendu)

WPA 20262 of 2022

Kanchana Soren
-Versus-

The State of West Bengal & Ors.

Mr. Abhijit Sarkar
Mr. Raja Biswas
....for the petitioners

Mr. Avishek Prasad
....for the State

Mr. Kanak Kiran Bandyopadhyay
.....for the WBCSSC

In terms of order dated 15th July, 2024, report filed by the District Inspector of Schools (SE), Murshidabad dated 31st July, 2024 is taken on record. The said report dated 31st July, 2024 says that petitioner is not single clerk in the school in question. There is another approved clerk who is functioning there.

It needs to be taken into consideration that petitioner has made application for transfer on medical ground but till date it has not been ascertained neither by the concerned school authority nor by the State respondents whether there is medical urgency for transfer of

petitioner. It has been rightly pointed out on behalf of State respondents that unless transfer application of petitioner is forwarded to the concerned District Inspector of Schools from the concerned school authority medical verification cannot be made with the assistance of the concerned Chief Medical Officer of Health. It is the contention of State respondents that till date school authority has not forwarded transfer application of petitioner to the office of the concerned District Inspector of Schools.

Having considered the submissions made on behalf of the State respondents and taking note of the fact that apart from petitioner another approved clerk is working in the school as it emanates from the report dated 31st July, 2024, the authority of Raghunathganj Girls High School, Murshidabad, being the respondent no. 5 is directed to forward transfer application of petitioner to the District Inspector of Schools (SE), Murshidabad being the respondent no. 3 by seven days from the date of communication of this order. After receipt of such transfer application of petitioner, respondent no. 3 shall obtain medical report from the concerned CMOH on medical verification and if the report justifies

transfer of petitioner on medical ground the respondent no. 3 shall forward transfer application along with medical report and other documents to the office of the West Bengal Central School Service Commission for taking final decision on transfer application of petitioner. Such exercise shall be completed by the respondent no. 3 by four weeks from the date of receipt of transfer application from the said school authority.

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

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.)