

30.08.2024
Court No. 18
Item No.28
(**Suvenu**)

WPA 20886 of 2024

Deepanjali Barui
-Versus-

The State of West Bengal & Ors.

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

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

Dr. Sutanu Kumar Patra
Ms. Debalina Chakraborty
.....for the WBCSSC

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
.....for the State

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

Matter relates to transfer of the petitioner
since petitioner's male child is suffering from
mental disorder.

Drawing attention of this Court to page 22
of the writ petition it has been submitted by the
learned advocate appearing for the petitioner
that prayer of the petitioner for transfer was not
allowed by the West Bengal Central School
Service Commission since the Commission was

unable to find out disease with which male child of petitioner has been suffering.

Medical Certificate of Chief Medical Officer of Health, South 24 Parganas dated 29th March, 2022 is at page 23 of the writ petition. On perusal of the said certificate it is not discernible that child of petitioner has been suffering from which disease. It merely says that petitioner is eligible for transfer based on her transfer application.

Since the final decision is to be taken by the Chairman of the West Bengal Central School Service Commission on transfer application of petitioner who is not a medical expert, the concerned Chief Medical Officer of Health is required to disclose disease with which child of petitioner has been suffering in the Medical Certificate to be prepared based on medical verification of the patient, otherwise it may not be possible for the Chairman of the Commission to arrive at a conclusion relating to eligibility of the applicant-teacher to be transferred.

In view of the aforesaid scenario, the writ petition stands disposed of directing the District Inspector of Schools (SE), South 24 Parganas being the respondent no. 4 to forward transfer

application of the petitioner again to the concerned Chief Medical Officer of Health for fresh medical verification and preparation of exhaustive report within a week from the date of communication of this order. On receipt of fresh medical report from the concerned CMOH, respondent no. 4 shall forward transfer application of the petitioner along with medical report to the Chairman of the Commission being respondent no. 3 by seven days from the date of receiving the medical report. If fresh medical report and transfer application are transmitted to the respondent no. 3 he shall decide the transfer application in accordance with law within four weeks from the date of receipt of transfer application of petitioner.

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.)

