

06.08.2024
Court No. 18
Item No. 51(ML)
(Suvendu)

WPA 20703 of 2022

Malay Kumar Mandal
-Versus-

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
.....for the petitioner

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

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

However, no one is representing State
respondents and the concerned school authority
today.

Matter relates to transfer of petitioner
being an Assistant Teacher of a Government
aided school on medical ground.

It has been submitted by learned advocate
representing the petitioner that after processing
the transfer application of petitioner by the
school authority where petitioner is presently
serving the same was forwarded to the office of
the District Inspector of Schools (SE), Jhargram
and he has obtained report from the concerned
Chief Medical Officer of Health which justifies
transfer of petitioner on medical ground. In this
regard, reliance is placed on a document which

is at page 13 of the writ petition and the said document depicts approval of Chief Medical Officer of Health. It is also submitted that transfer application of petitioner was forwarded to the concerned authority of the West Bengal Central School Service Commission on 29th April, 2022 by the concerned District Inspector of Schools and the same is pending in the office of the Commission for final decision.

West Bengal Central School Service Commission is represented by the learned advocate who has submitted that contemporaneously decision on transfer application of petitioner could not be taken due to suspension of Utshasree portal with effect from 29th September, 2022.

However, it has been submitted on behalf of the Commission that if direction is given upon the appropriate authority, transfer application of petitioner shall be decided in accordance with law.

In view of submissions made on behalf of the parties, the writ petition stands disposed of by directing Chairman, West Bengal Central School Service Commission, to take decision on transfer application of petitioner in accordance with law by four weeks from the date of

communication of this order and the decision to be taken by the Chairman of the Commission shall be communicated to petitioner by one week thereafter.

However, transfer application of petitioner shall not be rejected on the ground of suspension of Utshasree portal.

Leave is granted to learned advocate representing the petitioner to amend the cause-title of the writ petition by adding the Chairman, West Bengal Central School Service Commission as additional respondent. Service of notice upon the Chairman of the Commission stands dispensed with since Commission is represented today by the learned advocate.

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.)

