

02.09.2024
Court No. 18
Item No.27
(Suvendu)

WPA 21315 of 2024

Sk. Saha Alam
-Versus-

The State of West Bengal & Ors.

Mr. Shamim Ul Bari
Ms. Jhilik Singha
.....for the petitioner

Mr. Swapan Banerjee, Ld. AGP
Mr. Sougata Mitra
.....for the State

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.

Matter relates to transfer of the
petitioner on medical ground since wife of the
petitioner is suffering from gynecological
disorder.

Last application for transfer was made
by the petitioner on 7th September, 2022 which
was forwarded by the school authority where
petitioner is presently working to the District
Inspector of Schools (SE), Purba Bardhaman
being respondent no.4.

Grievance of the petitioner is respondent no. 4 did not taken steps on transfer application of the petitioner on the ground of suspension of Utshasree portal and petitioner was found to be single teacher in the subject in the school.

Mr. Banerjee, learned Additional Government Pleader represents State respondents who has opposed the prayer of the petitioner on the ground that portal is suspended with effect from 29th September, 2022 and on previous occasions school authority did not take steps on transfer applications of the petitioner. It is also submitted on behalf of the respondent no. 4 that till date medical verification has not been made by the concerned Chief Medical Officer of Health which is disputed by the learned advocate representing the petitioner.

Having considered respective submissions made on behalf of the parties, Court directs respondent no. 4 to take necessary steps on transfer application of the petitioner and forward the transfer application to the Commission if medical verification report of the CMOH justifies transfer of the petitioner. The aforesaid exercise shall be completed by the

respondent no. 4 by three weeks from the date of communication of this order. If transfer application is forwarded to the Chairman, West Bengal Central School Service Commission, same shall be decided by the Commission in accordance with law.

It is made clear that since petitioner made application for transfer on medical ground restriction relating to single teacher in the subject in the school ought not be treated as bar in view of the provisions as contained under amended Rule 6(2)(e) as contained in the Government Notification dated 8th September, 2021 whereby amendments were made to the West Bengal School Service Commission (General Transfer, Transfer On Special Grounds and Reallocation) Rules, 2015.

It is also clarified that transfer application of the petitioner shall not be rejected due to suspension of Utshasree portal.

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.)