

W.P.A. 22541 of 2024

**Swarup Kumar Mandal
Vs.
The State of West Bengal & Ors.**

Mr. Ujjal Roy
Mr. Sk. Abdur Rahim

...for the petitioner

Mr. Sunit Kr. Roy

...for the SSC

Mr. Md. Fauladuddin
Mr. Hare Krishna Halder

...for the State

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 ailment. Application for transfer was made on Utsashree Portal on 2nd November, 2022 and the same was forwarded by the school authority where petitioner is presently serving. However, the grievance of the petitioner is the District Inspector of Schools till date has not forwarded the transfer application of the petitioner to the West Bengal Central School Service Commission for taking final decision. It is also submitted by the learned advocate representing the petitioner that the reason for not forwarding transfer application to the Commission is failure on the part of

the concerned Chief Medical Officer of Health to medically examine the wife of the petitioner and furnish medical report before the concerned District Inspector of Schools for taking subsequent steps. Petitioner has prayed for issuance of appropriate direction upon the concerned Chief Medical Officer of Health being respondent no. 6 and other authorities which would facilitate to obtain final decision on transfer application of the petitioner.

Respondents are represented by learned advocates.

On behalf of State-respondents it has been submitted that since no report has been furnished by the concerned Chief Medical Officer of Health the District Inspector of Schools could not take consequential steps on obtaining medical report.

On behalf of the Commission it is also submitted that if the concerned District Inspector of Schools forwards transfer application of the petitioner to the Commission the same shall be decided in accordance with law.

Having considered the respective submissions made on behalf of the parties concerned Chief Medical Officer of Health being respondent no. 6 is directed to medically verify the wife of the petitioner and prepare a medical report in connection with application of the petitioner seeking transfer on medical ground and same

shall be forwarded to the concerned District Inspector of Schools by 3 (three) weeks from the date of communication of this order. If medical report justifies transfer of the petitioner the concerned District Inspector of Schools (SE) being respondent no. 5 is directed to forward the transfer application of the petitioner along with medical report on compliance of necessary formalities to the West Bengal Central School Service Commission by 3 (three) weeks from the date of receipt of medical report from the respondent no. 6. If the Commission receives transfer application the Chairman shall decide the transfer application in accordance with law within reasonable time.

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

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.)