

18.07.2024
Court No. 18
Item No. 200 (ML)
(**Suvendu**)

WPA 22460 of 2022

Siddhartha Hota

-Versus-

State of West Bengal & Ors.

Mr. Biswarup Biswas
Mr. Pratap Sanfui

.....for the petitioner

Mr. Sourav Mitra

....for the WBCSSC

Ms. Sanghamitra Nandi
Mr. Raja Ram Banerjee

.....for the State

Mr. Madan Mohan Roy

.....for the respondent nos. 9 and 10

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

The writ petition is heard in presence of
the learned advocates representing the
petitioner, West Bengal Central School Service
Commission, State respondents and the
respondent nos. 9 and 10.

The grievance of the petitioner is in spite of
making transfer application on medical ground
seeking transfer to another school and the same
has been certified on medical verification by the
Block Medical Officer of Health, Gangadharbar

Rural Hospital, Purba Medinipur justifying transfer of the petitioner on medical ground the school authority of Shyamharibar Samabaya Adarsha Vidyapith (HS), Purba Medinipur till date has not forwarded the transfer application of the petitioner to the concerned District Inspector of Schools.

On query being posed to the learned advocate representing the aforesaid school authority, it has been submitted that petitioner is a single teacher in the said school for which transfer application of the petitioner could not be processed.

The learned advocates representing the State respondents and the Commission have submitted that apart from petitioner was found as single teacher due to suspension of Utshasree portal steps could not be taken.

Having considered the submissions made on behalf of the parties and taking note of the provisions as contained in amended Rules 6(2)(c) and 6(2)(e) as provided in the notification dated 8th September, 2021 it appears that in taking decision on transfer application on medical ground bar relating to single teacher as fastened

vide amended Rule 6(2)(c) stands dispensed with by amended Rule 6(2)(e).

In view of aforesaid Rules as contained in the notification dated 8th September, 2021, this Court finds that there is no embargo in processing and deciding the transfer application of the petitioner which has been made on medical ground and the same has been favourably considered at the time of medical verification by the concerned BMOH.

Accordingly the school authorities being the respondent nos. 9 and 10 are directed to forward the transfer application of the petitioner with the certificate of the concerned BMOH to the District Inspector of Schools (SE), Purba Medinipur being the respondent no. 7 by seven days from the date of communication of this order. On receipt of transfer application, the respondent no. 7 shall take steps in accordance with law by four weeks in order to complete the formalities before sending the same to the concerned authority of the West Bengal Central School Service Commission. If the concerned CMOH certifies in favour of transfer of the petitioner on medical ground in that event only respondent no. 7 shall forward the transfer

application to the Commission for taking final decision.

With the aforesaid observations and direction, the 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.)