

20.11.2024
Court No. 18
Item No. 37
(Suvendu)

WPA 23295 of 2024

Prodip Kumar Kirtania
-Versus-

The State of West Bengal & Ors.

Mr. Shuvro Prakash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mandal
.....for the petitioner

Mr. Swapan Banerjee
Mr. Saugata Mitra
.....for the State

Mr. Sunit Kumar Roy
.....for the WBCSSC

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

Matter relates to transfer of petitioner on
medical ground since wife of petitioner is
suffering from ailment.

Grievance of the petitioner is in spite of
forwarding transfer application by the school
where petitioner is presently serving to the
District Inspector of Schools (SE), Nadia, said
District Inspector of Schools did not take steps
by forwarding the transfer application of the
petitioner through portal to West Bengal Central
School Service Commission for taking final
decision.

Today learned advocate appearing for the State respondents on instruction submits that due to suspension of Utshasree portal and subsequent extension of suspension of said portal from time to time till 31st December, 2024, transfer application of the petitioner could not be forwarded to the Commission. However, it has been admitted on behalf of the concerned District Inspector of Schools that transfer application of the petitioner was sent to the concerned Chief Medical Officer of Health for obtaining medical report.

West Bengal Central School Service Commission is also represented by learned advocate who submits that unless application is forwarded to the Commission they have no role to play in transferring the petitioner.

Having considered respective submissions made on behalf of the parties, it appears that though on behalf of the concerned District Inspector of Schools it has been agitated that portal has been suspended and subsequently such suspension has been extended till 31st December, 2024 which prevented him to take steps but this Court has already decided that statutory right of an applicant teacher to be

transferred cannot be curtailed by suspension of portal.

Hence, the District Inspector of Schools (SE), Nadia, being respondent no. 4 is directed to obtain medical report from the concerned Chief Medical Officer of Health by fortnight from the date of communication of this order and if medical report justifies transfer of the petitioner, same along with transfer application shall be forwarded to the West Bengal Central School Service Commission by seven days thereafter. On receipt of transfer application, Chairman of the Commission being additional respondent no. 7 is directed to decide the transfer application by eight weeks thereafter. The decision to be taken by the Chairman of the Commission shall be communicated to the petitioner within one week thereafter.

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 undertaking.

(Saugata Bhattacharyya, J.)

