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26.09.2024
Ct. No. 18
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W.P.A. 23405 of 2024

**Anupama Patra
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Afrin Nahar Mondal
Ms. Debolina Chakraborty
..for the petitioner

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
...for the WBBSE

Mr. Sunit Kumar Roy
...for the SSC

Mr. Sushanta Pal
Ms. Rajyashree Mukherjee
...for the State

Learned advocate representing the petitioner undertakes to file affidavit-of-service in course of this day. However, State-respondents, West Bengal Central School Service Commission and the West Bengal Board of Secondary Education are represented by learned advocates.

Learned advocate for petitioner appears on virtual mode.

Matter relates to transfer of the petitioner on medical ground. Learned advocate representing the petitioner submits that an application for transfer on medical ground was preferred on Utsashree Portal and the same was forwarded by the school authority where

petitioner is presently working as assistant teacher to the concerned District Inspector of Schools (SE). It is also submitted that on receipt of transfer application through Portal the concerned District Inspector of Schools (SE) has obtained medical report from Chief Medical Officer of Health which according to the petitioner justifies transfer of the petitioner. However, grievance of the petitioner is in spite of medical verification of the petitioner subsequently the concerned District Inspector of Schools (SE) has not forwarded the transfer application to the West Bengal Central School Service Commission for taking final decision. Petitioner prays for necessary direction.

The learned advocate representing State-respondents on instruction submits that there are two teachers including petitioner who are presently functioning in the school which is junior high having four units from classes V to VIII. If petitioner is transferred then it would be impossible to run the institution since at present school in question is reeling under shortage of teaching staff.

Having considered the respective submissions made on behalf of the parties and considering the academic interest of the students who are studying in the school Court is not directing the concerned authority of the West Bengal Central School Service Commission to decide the transfer application of the petitioner. The

transfer application of the petitioner shall be kept in abeyance till new teachers are appointed in the school and teaching strength is augmented. Once teachers are appointed in the school the concerned District Inspector of Schools (SE) is directed to forward the transfer application to the West Bengal Central School Service Commission for taking final decision based on medical report submitted by the concerned CMOH. If transfer application of the petitioner is forwarded to the Commission same shall be decided in accordance with law.

The writ petition is 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.)