

ML 83
12.08.2024
Ct. No. 18
adeb

W.P.A. 23728 of 2022

Manabendra Banerjee
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
...for the petitioner

Ms. Sanghamitra Nandi
Mr. Raja Ram Banerjee
..for the State

Mr. Sourav Mitra
...for the WBCSSC

Ms. Koyeli Bhattacharya
Mr. Bibek Dutta
...for the Board

Mr. Arabinda Manna
...for the respondent no. 5

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

Writ petition relates to transfer of the petitioner on medical ground who is an assistant teacher in Government aided secondary school. It has been submitted by the learned advocate for the petitioner that though application dated 8th September, 2022 was made by the petitioner seeking transfer on medical ground but the said transfer application was not forwarded by the school authorities of Keshabpur Mahendra Institution, District-Hooghly being respondent nos. 5 and 6 to the District Inspector of Schools (SE), Hooghly being respondent no. 4 on the ground that documents are not

properly submitted. It has been submitted on behalf of the petitioner that a report has been furnished by the BMOH dated 19th July, 2022 which supports transfer of the petitioner. Petitioner prays for direction upon the school authority to forward the transfer application along with necessary documents to the respondent no. 4.

Respondents are represented by learned advocates who submits that unless transfer application of the petitioner is forwarded to the respondent no. 4 no steps can be taken by the respondent no. 4 for processing transfer application of the petitioner by taking appropriate decision.

Having considered the submissions made on behalf of the parties the writ petition stands disposed of directing the respondent no. 5 to forward transfer application of the petitioner along with necessary documents including the report of BMOH dated 19th July, 2022 to the respondent no. 4 by 7 (seven) days from the date of communication of this order. After receipt of transfer application the respondent no. 4 shall take steps thereby forward the transfer application to the concerned CMOH for obtaining report on medical verification. If the report on medical verification justifies transfer of the petitioner the transfer application shall be forwarded to the concerned authority of the West Bengal Central School Service Commission for taking final decision.

The aforesaid exercise shall be completed by the respondent no. 4 by 4 (four) weeks from the date of receipt of transfer application from the school authority.

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.)