

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble **Justice Harish Tandon**

And

The Hon'ble **Justice Prasenjit Biswas**

MAT 1879 of 2024

With

CAN 1 of 2024

Biswajit Karmakar

-Versus-

State of West Bengal and Others

For the Appellant : **Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra.**

For the Central School
Service Commission : **Mr. Sourav Mitra.**

For the State : **Mr. Istayake Ahemed**

For the WBBSE : **Ms. Koyeli Bhattacharya,
Mr. Bibek Dutta,
Ms. Keya Panja**

Delivered on : **23.12.2024**

Prasenjit Biswas, J:-

1. The petition filed by the writ petitioner was dismissed by the learned Single Bench of this Court after taking into account the medical report of the Chief Medical Officer of Health dated 11th May, 2022.

2. It is the contention of the appellant in this appeal that his wife was examined by the medical board on 23rd November, 2022 and that medical report is very much vital for adjudication of this appeal. Accordingly, the State was directed to submit the report of the Chief Medical Officer of Health in relation to the medical examination of the wife of the appellant on 23rd November, 2022 and in pursuance of the said direction the report has been submitted before this Court.

3. The writ petitioner being an Assistant Teacher of Barachandghar High School, District Nadia, applied for general transfer through “Utsashree” e-portal on 02.08.2021 on the ground of distance and the same was forwarded by the School to the D.I./S (S.E), Nadia and in turn same was forwarded to the School Service Commission on 25.08.2021. The said application was returned back by the Commission on 28.08.2021 due to the reason of single teacher of that school. The appellant/petitioner again submitted application with a prayer for general transfer on medical ground of his spouse on 03.04.2022 and the same was forwarded by the school authority to the D.I./S (S.E), Nadia on 01.05.2022 and again it was forwarded to the Chief Medical Officer of Health, Nadia. The Chief Medical Officer of Health issued a certificate dated

11.05.2022 from which it discerns that the writ petitioner appeared before the office of the Chief Medical Officer and thereafter certificate was issued and the said certificate says that no abnormality was detected to the spouse of the writ petitioner. The writ petitioner once again submitted application for transfer which was received by D.I./S (S.E) on 27.09.2022 on medical ground of his spouse. After receiving the said application, the writ petitioner with his spouse were requested to appear before the concerned medical board. The Chief Medical Officer of Health sent medical examination report which was done on 23.11.2022 in respect of spouse of the writ petitioner.

4. In pursuance of the direction passed by this Bench the said medical report has been submitted by the State. It appears from the said report that in the recommendation column it is written as “may be recommended”. It is the submission of the learned Advocate for the appellant that the words “may be recommended” means the writ petitioner is recommended for transfer on the ground of illness of his spouse. We have gone through the said opinion of the medical board in respect of examination of the spouse of the writ petitioner. It appears that in the recommendation column it is written as ‘may be recommended’ but it has been mistakenly construed by the learned Advocate for the appellant. The words “may be recommended” as it is written in the recommendation column of the medical report of the spouse denotes that it is written in connection with further treatment of the spouse of the writ petitioner. So, the appellant cannot claim transfer banking upon the words

which has been written in the recommendation column of the medical report of his spouse.

5. From the entire materials on record what it appears is that the writ petitioner one after another filed application seeking transfer from his present posting. The last application was made by the writ petitioner seeking transfer was on the ground of illness of his spouse. The said application was duly forwarded by the school authority as well as D.I. of school and ultimately it was reached to the Chief Medical Officer of Health of the district. The spouse of the writ petitioner appeared before the medical board and ultimately the report was furnished by the Chief Medical Officer. The said medical report does not contain any abnormality of the spouse of the writ petitioner and so he cannot seek transfer on the ground of illness of her spouse.

6. We find nothing illegality in the impugned order passed by the learned Trial Court and as such there is nothing to interfere with the said order.

7. The present appeal sans merit and is liable to be dismissed.

8. Accordingly, the appeal being no. MAT 1879 of 2024 is hereby dismissed but without any order as to costs.

9. Consequently, connection application if any is also hereby dismissed.

10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on payment of requisite fees.

I agree.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)