

22.11.2024
Court No. 18
Item No. 13
(Suvendu)

W.P.A. 24438 of 2024

Ashis Pal
-Versus-

The State of West Bengal & Ors.

Mr. Sougata Mitra
Mr. Nikhil Gupta
Mr. Subhadeep Maitra

...for the petitioner

Mr. Swapan Banerjee, Ld. AGP
Mr. Barun Chatterjee

.....for the State respondents

In terms of order dated 4th October, 2024, affidavit of service filed on behalf of the petitioner is taken on record.

In spite of service of notice upon authorities of Entally Academy, Kolkata, being respondent nos. 6 and 7, those respondents are not represented.

However, on submitting communication dated 13th November, 2024 made by the District Inspector of Schools (SE), Kolkata, being respondent no. 5, it is submitted by learned Additional Government Pleader representing State respondents that after preferring

application by petitioner on Utshasree portal on 9th July, 2022 transfer application was forwarded to respondent no. 5 on 26th September, 2022. It has also been submitted that there is no instruction whether in the meantime respondent no. 5 has obtained medical report from the concerned Medical Officer or not relating to transfer of petitioner.

Since it is submitted on behalf of petitioner that it is a case of transfer on medical ground since wife of petitioner is suffering from ailment, respondent no. 5 is required to obtain medical report from the concerned Medical Officer, if such step has not been taken till date.

Respondent no. 5 is directed to obtain medical report by fortnight from the date of communication of this order and if medical report justifies transfer of petitioner, respondent no. 5 shall forward transfer application of petitioner along with medical report to West Bengal Central School Service Commission for taking final decision by seven days thereafter.

In the event Chairman, West Bengal Central School Service Commission, being respondent no. 3 receives transfer application from respondent no. 5, decision shall be taken

by respondent no. 3 by six weeks from the date of receipt of transfer application and decision to be taken by respondent no. 3 shall be communicated to the petitioner by one week thereafter.

With the aforesaid observations and directions, 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 undertaking.

(Saugata Bhattacharyya, J.)