

W.P.A. 24418 of 2024

**Saswati Das
Vs.
The State of West Bengal & Ors.**

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal

...for the Petitioner

Ms. Mousumi Choudhury
Ms. Srabani Biswas

...for the State

Mr. Kanak Kiran Bandyopadhyay

...for the WBCSSC

In terms of the previous order a report has been filed by the District Inspector of Schools (S.E.), Dakshin Dinajpur, dated 22th November, 2024 enclosing opinion of the Medical Board and report of Block Medical Officer of Health, Dakshin Dinajpur.

It has been submitted on behalf of the petitioner that medical opinion as well as medical report dated 27th September, 2022 issued by the Block Medical Officer of Health, Dakshin Dinajpur justify transfer of the petitioner. It is also submitted that in case of transfer on medical ground embargo relating to single teacher in the subject in the school should not stand in the way.

It is submitted on behalf of the District Inspector of Schools (S.E.) Dakshin Dinajpur that though medical report justifies transfer of the petitioner, transfer application of the petitioner could not be forwarded to

the West Bengal Central School Service Commission for taking decision due to suspension of Utsashree portal with effect from 29th September, 2022.

Since it has already been decided by this court in other matters that suspension of portal cannot take away statutory right of the petitioner to get transferred if the applicant teacher is eligible, contention raised on behalf of the concerned District Inspector of Schools (S.E.), Dakshin Dinajpur relating to suspension of portal is not accepted.

The District Inspector of Schools (S.E.), Dakshin Dinajpur is directed to forward the transfer application of the petitioner along with the medical report to the Chairman, West Bengal Central School Service Commission being respondent no.4 by fortnight from the date of communication of this order. On receipt of transfer application Chairman, West Bengal Central School Service Commission shall decide the transfer application in accordance with law within a period of six weeks thereafter and decision to be communicated to the petitioner by one week thereafter. It is made clear that suspension of portal shall not be a ground for rejecting transfer application of the petitioner.

During course of hearing it appears that it is not District Inspector of Schools (S.E.), South 24 Parganas, it is District Inspector of Schools (S.E.), Dakshin Dinajpur who is the appropriate authority to take steps for

transfer of the petitioner. It is submitted on behalf of the petitioner that inadvertently instead of District Inspector of Schools (S.E.), Dakshin Dinajpur, District Inspector of Schools (S.E.), South 24 Parganas has been arrayed as respondent no.5 in the cause title of the writ petition. Taking note of the same an order was passed by this court on 1st October, 2024 inadvertently directing District Inspector of Schools (S.E.), South 24 Parganas to take steps. Therefore the order dated 1st October, 2024 requires correction. In 6th and 7th lines of 3rd Paragraph in 1st Page and in 1st and 2nd lines of 2nd paragraph in 2nd Page of the order dated 1st October, 2024, it shall be read District Inspector of Schools (S.E.) Dakshin Dinajpur instead of District Inspector of Schools (S.E.) South 24 Parganas. Department is directed to incorporate necessary corrections in the order dated 1st October, 2024.

Leave is granted to the learned advocate representing the petitioner to amend the cause title of this writ petition in course of this day and array District Inspector of Schools (S.E.), Dakshin Dinajpur as respondent no.5 in place and stead of District Inspector of Schools (S.E.) South 24 Parganas. No further communication is required from the end of the learned advocate representing the petitioner since State respondents are represented by learned advocate.

Hence, writ petition stands 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.)