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03.12.2024
Ct. No. 18
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W.P.A. 25463 of 2024

**Manu Mukherjee
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Choudhury
Ms. Shreyeta Mitra

...for the petitioner

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja

...for the WBBSE

Mr. Jayanta Narayan Mahanty
Ms. Reshma Chatterjee

...for the State

Mr. Kanak Kiran Bandyopadhyay
...for the WBCSSC

In terms of previous order dated 12th November, 2024 affidavit of service is filed today and taken on record.

In spite of service of notice upon the authority of Jugisole Arjun Smriti Vidyapith (HS), District-Jhargram said school authority is not represented today.

On perusal of documents at pages 48 and 49 of the writ petition it appears that prior to making application on medical ground since petitioner is suffering from gynecological disorder two applications on general ground were made one dated 9th August, 2021 and subsequently on 24th August, 2021. Both the transfer applications were not allowed. In connection with

second transfer application dated 24th August, 2021 it was detected by the concerned respondent authorities that petitioner is single teacher in the subject in the school. Subsequently, petitioner made application for transfer on medical ground since she was suffering from ailments on 18th May, 2022 but the school where petitioner is presently working has not forwarded the transfer application to the District Inspector of Schools (SE), Jhargram being respondent no. 4 for taking further steps. It has been endorsed on the portal on 15th August, 2022 by the school authority that petitioner's application for transfer cannot be allowed since she is a single teacher in the subject in the school.

However, it has been rightly contended on behalf of the petitioner that if application for transfer is made on medical ground in that event same cannot be rejected on the ground that the applicant teacher is a single teacher in the subject in the school.

Hence, school authority is required to forward the transfer application of the petitioner dated 18th May, 2022 to the respondent no. 4. Authority of Jugisole Arjun Smriti Vidyapith (HS), District-Jhargram being respondent no. 5 is directed to forward transfer application of the petitioner dated 18th May, 2022 to the respondent no. 4 by 7 (seven) days from the date of communication of this order. On receipt of transfer application respondent no. 4 shall obtain medical report

from the concerned Chief Medical Officer of Health on medical verification of the petitioner by 3 (three) weeks thereafter. If medical report justifies transfer of the petitioner in that event transfer application along with medical report shall be forwarded to the Chairman, West Bengal Central School Service Commission by fortnight thereafter. On receipt of transfer application Chairman, West Bengal Central School Service Commission shall take decision by 6 (six) weeks thereafter and the decision to be taken by the Chairman shall be communicated to the petitioner by 1 (one) week thereafter.

It is made clear that transfer application of the petitioner shall not be rejected on the ground of suspension of portal.

Writ petition stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)