

35 04.11.2024
rkd Ct.18

W.P.A. 25614 of 2024

Sankar Barman

-vs-

The State of West Bengal & Ors.

Ms. Shetparna Ray

....for the petitioner.

Mr. Sunit Kumar Roy

....for the WBCSSC.

The learned advocate representing the petitioner undertakes to file affidavit-of-service in course of this day.

However, West Bengal School Service Commission is represented by learned advocate.

The learned advocate for the petitioner submits that an application for transfer was made on medical ground since wife of the petitioner is suffering from ailment. The grievance of the petitioner is against the steps taken by concerned District Inspector of Schools by sending the transfer application of the petitioner back to the school authority where petitioner is presently working based on medical certificate issued by the concerned Chief Medical Officer of Health on medical examination of the wife of the petitioner.

Petitioner is also aggrieved by the medical certificate issued by the Chief Medical Officer of

Health. Petitioner prays for a direction upon the concerned respondent authority for his transfer in consideration of the ailment of his wife.

The learned advocate representing the West Bengal Central School Service Commission has opposed the prayer of the petitioner for transfer since same is not vindicated by the medical report furnished by the concerned Chief Medical Officer of Health.

It is also submitted that far back on 7th June, 2022 transfer application of the petitioner was sent back to the school authority where petitioner is presently working through portal and the writ petition has been filed approximately after two years on 4th October, 2024.

Considering the respective submissions made on behalf of the parties it transpires that if petitioner has grievance against medical report furnished by the concerned Chief Medical Officer of Health which does not justify transfer of the petitioner in that event contemporaneously petitioner ought to have questioned legality and validity of the said medical report.

Based on the said medical report, it appears from a document at page 40 of the writ petition that on 7th June, 2022 the concerned

District Inspector of Schools (SE) sent back the transfer application of the petitioner to the school where petitioner is presently working having found that petitioner was not eligible to be transferred on medical ground.

Petitioner did not raise any objection at the material point of time and approximately after a period of more than two years present writ petition has been filed. Furthermore, the medical report of the concerned Chief Medical Officer of Health is also not part of record.

In view of aforesaid scenario, no relief can be granted to the petitioner.

Accordingly, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to make application for transfer in future, in accordance with law.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)