

W.P.A. 25527 of 2024

**Pallab Banerjee
Vs.
The State of West Bengal & Ors.**

Mr. Anjan Bhattacharya

...for the Petitioner

Md. Nauroz Rahber

...for the State

Mr. Kanak Kiran Bandyopadhyay

...for WBCSSC

Affidavit-of-service filed on behalf of the petitioner is taken on record.

An application for transfer was made on Utsashree portal by the petitioner on 2nd February, 2022. Petitioner prays for consideration of his transfer application.

During course of hearing attention of this court has been drawn to a communication dated 14th March, 2022 issued by the Superintendent, Jangipur SD & M/ SS Hospital, Murshidabad addressed to Chief Medical Officer of Health, Murshidabad wherein it was communicated that one Sri Durga De, Assistant Teacher of Chhabghati K. Das Vidyalaya (H.S.), Murshidabad was suffering from serious gynaecological disease. Petitioner prays for transfer based on such communication dated 14th March, 2022 of the Superintendent, Jangipur SD & M/ SS Hospital, Murshidabad.

Learned advocate representing West Bengal Central School Service Commission has opposed this writ

petition on the count that based on such communication dated 14th March, 2022 of Superintendent, Jangipur SD & M/ SS Hospital, Murshidabad, wife of the petitioner has already been transferred on medical ground. Therefore, present writ petition is not maintainable.

Having considered the submissions made on behalf of the petitioner, at the first instance, this court gathered an impression that this is an application for transfer on medical ground since wife of the petitioner was suffering from serious gynecological disease. But in consideration of the submission made on behalf of Commission it transpires that based on such communication dated 14th March, 2022, Sri Durga De, wife of the petitioner has already been permitted to take transfer. Once in consideration of medical report/ communication dated 14th March, 2022 of the Superintendent, Jangipur SD & M/ SS Hospital, Murshidabad if wife of the petitioner has been permitted to take transfer, transfer of the petitioner being husband based on same medical document is found to be impermissible. There is no such provision in transfer rules that in consideration of medical report which was obtained by the concerned authority in connection with transfer of wife of the applicant teacher who is also an Assistant Teacher, if wife is already transferred, such medical report can also be utilized for transfer of the husband.

After such communication dated 14th March, 2022 present writ petition was filed on 4th October, 2024 but apart from cryptic statements made in paragraph 5 relating to transfer of wife of the petitioner there are no other statements in the writ petition to the extent that based on same medical report/ communication dated 14th March, 2022 wife of the petitioner has been allowed to take transfer.

In aforesaid conspectus, the present writ petition stands dismissed.

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.)