

12.08.2024
Court No. 18
Item No. 97 (ML)
(Suvendu)

WPA 25837 of 2022

Tapas Biswas
-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
.....for the petitioner

Mr. Sourav Mitra
.....for the WBCSSC

Mr. Pinaki Dhole
Mr. Avishek Prasad
.....for the State

Mr. D.K. Sengupta
Ms. Sweta Saha
.....for the respondent School

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
....for the WBBSE

Learned advocate representing the petitioner has prayed for leave to amend the cause-title in order to describe the name of the school (respondent nos.5 and 6) appropriately.

Such leave is granted.

Pursuant to the order dated 19th July, 2024, a report in the form of an affidavit has been filed on behalf of the school authority and the same is taken on record. On perusal of the report, it appears that the Managing Committee

of the concerned school on 3rd November, 2022 adopted a resolution on receipt of transfer application of the petitioner dated 14th September, 2022. On perusal of the said resolution, it appears that the said school where petitioner is presently serving on 3rd November, 2022 decided not to forward transfer application of the petitioner seeking transfer on medical ground due to ailment of petitioner's wife in consideration of the staff pattern of the said school.

However, learned advocate representing the school authority submits that now school is willing to forward the transfer application of the petitioner to the District Inspector of Schools (SE), Murshidabad in the event Court passes necessary direction.

Having considered the submissions made on behalf of the school authority, Headmaster of Dharmadanga High School (HS), Murshidabad, being respondent no. 5 is directed to forward the transfer application of the petitioner to the respondent no. 4 by fortnight from the date of communication of this order. Requirement of obtaining report from the concerned BMOH by the said school authority stands dispensed with

since transfer application was made on 14th September, 2022 before the school authority on the portal but till date such steps have not been taken.

However, respondent no. 4 is directed to obtain report from the concerned Chief Medical Officer of Health on medical verification of the petitioner's wife. In the event medical report justifies transfer of petitioner, transfer application along with medical report and other documents shall be forwarded to the office of the West Bengal Central School Service Commission for taking final decision on the transfer application. The respondent no. 4 is directed to complete the aforesaid exercise by four weeks from the date of receipt of transfer application from the school authority.

Accordingly, 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 undertakings.

(Saugata Bhattacharyya, J.)

