

W.P.A. 26843 of 2024

**Prosenjit Thakur
Vs.
The State of West Bengal & Ors.**

Mr. S.P. Lahiri
Mr. R. Naskar

...for the petitioner

Mr. Subhendu Bandyopadhyay
...for the State

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

Petitioner by presenting this writ petition, *inter alia*, has prayed for his transfer from present school to another school which is nearby to his place of residence and an offline application was preferred on 8th August, 2024 addressed to the concerned respondents. Ground of preferring offline application for transfer is that the petitioner had kidney transplant operation in the month of April, 2024 as it appears from medical document which is annexed at page 27 of the writ petition. It is also submitted that the distance of his present school and place of residence is 74 kilometers.

Another limb of submission which has been advanced on behalf of the petitioner is based on notification dated 21st December, 2021 wherein it has been provided on amending West Bengal School Service

Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 that for transfer on medical ground as contemplated under Rule 4(a) five years service in the present school shall not be requisite criteria in the event it is found that the applicant teacher has completed overall five years service as assistant teacher. Based on such amended provisions as contained in notification dated 21st December, 2021 it is submitted that though petitioner was transferred mutually on 8th February, 2021 and till date five years is not complete, but in view of amended provisions as contained under Rule 1 in the said notification he is eligible to be transferred on special ground.

Learned advocate representing West Bengal Central School Service Commission submits that Chairman of the Commission may be directed to take decision in accordance with law since petitioner had undergone kidney transplant operation and taking note of the distance in between the present school of the petitioner and his place of residence.

Having considered the respective submissions made on behalf of the parties and considering medical emergency which has arisen since petitioner had undergone kidney transplant operation in the month of April, 2024, the Chairman, West Bengal Central School Service Commission being respondent no. 4 is directed to

take decision on offline transfer application of the petitioner dated 8th August, 2024 by 5 (five) weeks from the date of communication of this order and the decision to be communicated to the petitioner by 1 (one) week thereafter.

The 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.)