

08
rkd 29.11.2024
Ct.18

W.P.A. 27482 of 2024

Barsa Seth

-vs-

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya,
Ms. Anita Shaw

....for the petitioner.

Ms. Susnita Saha

....for the State.

Mr. Kanak Kiran Bandyopadhyay

....for the WBCSSC.

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

By presenting this writ petition, *inter alia*,
petitioner has prayed for transfer by filing offline
application dated 3rd October, 2024 to the
Commissioner of School Education, West Bengal
since petitioner is suffering from breast cancer.

In support of such submission medical
documents are annexed to the writ petition
wherefrom it appears that on 7th June, 2024 TATA
MEMORIAL CENTRE, Mumbai in final
Histopathology report stated "Cancerization of
lobules is seen". From another medical document
at page 26 of the writ petition it appears that
petitioner had undergone surgery on 25th June,
2024 in TATA MEMORIAL HOSPITAL, Mumbai.

State respondents and West Bengal Central

School Service Commission are represented by learned advocates who have submitted that Utsahsree portal is closed till 31st December, 2024 in terms of Government notification.

Considering the health condition of the petitioner as a special case since petitioner is suffering from cancer which is corroborated by relevant medical documents annexed to this writ petition, concerned District Inspector of Schools (SE), Dakshin Dinajpur being respondent no.3 is directed to take steps based on application dated 3rd October, 2024 addressed to the Commissioner of School Education and obtain medical report from the concerned Chief Medical Officer of Health by fortnight from the date of communication of this order on medical verification of the petitioner.

If medical report justifies transfer of the petitioner transfer application dated 3rd October, 2024 along with medical report to be furnished by Chief Medical Officer of Health shall be forwarded to the Chairman, West Bengal Central School Service Commission being respondent no.5 by seven days thereafter.

On receipt of aforesaid documents from respondent no.3 the Chairman, West Bengal Central School Service Commission shall decide

transfer application of the petitioner by fortnight thereafter and decision to be communicated to the petitioner by one week thereafter.

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

With the aforesaid direction, the writ petition stands disposed of.

However, 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.)