

28.02.2024.
Court No. 13
Item No. 220
ap

W.P.A. No. 27324 of 2022

**Kuheli Kayal
Versus
The State of West Bengal & Ors.**

Mr. Ujjal Ray,
Mr. Goutam Kumar Maity.
...For the petitioner.

Mr. Sanjib Das.
...For the State.

Mr. Bhaskar Prasad Vaisya,
Mr. Gourav Das.
...For the DPSC, South 24 Pgs.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner seeks transfer on medical grounds. The same has been declined by the School on the ground that the Teacher-Student ratio presently in the said School is 1:26. There are only two teachers in the school.
3. It is submitted by the Counsel for the petitioner that since after the last order dated 21st September, 2023, another teacher, namely, Chandan Kumar Sasmal, has joined as Head Teacher in the said School
4. In that view of the matter, the Teacher-Student ratio would improve substantially. In any event for transfer on medical ground coupled with the distance of 125 kilometers from her residence, the normal restrictions, for seeking ordinary transfer on the

ground of distance, would not stand in the way of the petitioner.

5. A Co-ordinate Bench of this Court had directed on 21st September, 2023 the Medical Superintendent cum Vice Principal, Kolkata Medical College to submit a report. The same has been placed on record.

6. It appears from the report that the petitioner is indeed suffering from gynaecological condition which is a chronic debilitating illness. It has also been advised that the petitioner should not undergo long and strenuous journey frequently and must be in contact with her treating Doctor regularly.

7. In view of the above, the Chairman, District Primary School Council, South 24 Parganas shall consider the posting of the petitioner in a School of her choice or any nearby School to her residence subject to availability of vacancy within a period of one month from the date of communication of a copy of this order.

8. With the aforesaid directions, the instant writ petition shall stand disposed of.

9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

