

29.07.2024
Court No. 18
Item No. 335 (ML)
(**Suvenu**)

WPA 28002 of 2022

Biplab Maity
-Versus-

The State of West Bengal & Ors.

Mr. Ujjal Ray
Mr. Arpa Chakraborty
.....for the petitioner

Mr. Supriyo Chattopadhyay, Ld. AGP
Ms. Sayantanee Bhattacharjee
.....for the State

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

In spite of service of notice upon school
authorities of Dumardari M.H. Vidyamandir
(HS), Purba Medinipur, being the respondent
nos. 6 and 7, those respondents are not
represented today.

Learned advocate representing the
petitioner submits that petitioner made transfer
application on medical ground on 24th June,
2022 and the same has not been processed by
the aforesaid school authority and wife of
petitioner was not sent for medical verification to
the concerned Block Medical Officer of Health for

report in order to find out whether transfer application of petitioner is justified or not.

It is contended on behalf of the petitioner that the said school authority refused to take steps on petitioner's transfer application since petitioner is a single teacher in the subject in the school. Notice of this Court has been drawn to amended Rules 6(2)(c) and 6(2)(e) as contained in notification dated 8th September, 2021 amending the West Bengal School Service Commission (General Transfer, Transfer On Special Grounds and Reallocation) Rules, 2015. According to the petitioner, since he applied for transfer on medical ground bar relating to single teacher in the subject in the school as contemplated under amended Rule 6(2)(c) is inapplicable.

State respondents are represented by Mr. Chattopadhyay, learned Additional Government Pleader who submits that the concerned District Inspector of Schools can only take steps provided the school authority forwards the transfer application of petitioner to the said District Inspector of Schools.

In the present case, till date no such steps have been taken by the school authority.

Having considered the submissions made on behalf of the parties, it appears that since application for transfer has been made on medical ground due to ailment of wife of petitioner bar relating to single teacher in the subject in the school as postulated under amended Rule 6(2)(c) stands dispensed with by amended Rule 6(2)(e). Therefore, the aforesaid school authority cannot raise objection if the petitioner is single teacher in the subject in consideration of the fact that it is a case relating to transfer on medical ground.

Hence, aforesaid school authorities being respondent nos. 6 and 7 are directed to process transfer application of petitioner by sending the same to the concerned BMOH for medical verification of petitioner's wife and if the report of medical verification justifies transfer of petitioner in that event the said school authorities shall forward transfer application along with medical report and other documents to the office of the concerned District Inspector of Schools (SE), Purba Medinipur being the respondent no. 3. Such exercise shall be completed by the respondent nos. 6 and 7 by four weeks from the date of communication of

this order. If papers are forwarded to the respondent no. 3, the said respondent shall take steps in accordance with law expeditiously for completing the formalities in terms of relevant Rules relating to transfer.

With the aforesaid observations and direction, 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.)