

19.02.2024.
Court No. 13
Item No. 109
ap

W.P.A. No. 27226 of 2023

**Mousumi Mondal
Versus
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury.
...For the petitioner.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury.
...For the WBBPE.

Mr. Bhaskar Prasad Vaisya,
Mr. Suman Dey.
...For DPSC, Bankura.

1. Affidavit-of-service filed in Court today be taken on record.
2. The District Primary School Council, Bankura is added as a party respondent to this writ petition.
3. Leave is granted to the Advocate-on-record of the petitioner to effect necessary amendments in the cause title of the writ petition in course of the day.
4. Let a copy of the amended writ petition be served upon the District Primary School Council, Bankura in course of the day.
5. The petitioner seeks transfer from Jaba Adibasi School Free Primary School under Jamuria-I, Paschim Bardhaman since 2010. She has developed certain medical conditions and has applied for transfer. The application has been declined by the District Primary

School Council, Paschim Bardhaman without ascertaining her medical condition.

6. In those circumstances, District Primary School Council, Paschim Bardhaman shall assess the petitioner's medical condition after referring her case to the Chief Medical Officer of Health, Paschim Bardhaman. Based on the report of the C.M.O.H, Paschim Bardhaman, the District Primary School Council, Paschim Bardhaman shall take appropriate steps.

7. If the medical condition of the petitioner is confirmed by the C.M.O.H. and it is also confirmed that the distance between her residence and School of 61 kilometers is indeed onerous given such medical condition, the District Primary School Council, Paschim Bardhaman shall forward the case of the petitioner to the West Bengal Board of Primary Education.

8. The Board upon receipt of the report of the C.M.O.H. and reference from the WBBPE shall pass appropriate orders in accordance with law transferring her to Bankura in any School that has been chosen by her or one closer to her residence at Bankura subject to availability of vacancy.

9. Let the aforesaid exercise be conducted by the District Primary School Council, Paschim Bardhaman and the Board, offline.

10. In view of the above, the instant writ petition shall stand disposed of without any order.

11. There will be no order as to costs.

12. 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.)