

W.P.A. 28737 of 2024

**Partha Sarathi Sen
Vs.
The State of West Bengal & Ors.**

Mr. Mrinal Kanti Sardar
Ms. Aparna Mandal

...for the Petitioner

Mrs. Dipanwita Ganguly

...for the State

Mr. Sourav Mitra

...for WBCSSC

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

Petitioner is praying for his transfer by making an offline application on 9th September, 2024 on the ground that his wife is suffering from Thalassemia Minor and intrauterine fetal death (INFD). It is also stated in the application that distance of the present school of the petitioner and his residence is approximately 60 kilometers. Petitioner prays for transfer to take care of his wife and for her treatment. In support of serious ailments of the wife of the petitioner certificate issued by attending physician dated 21st November, 2023 which is at page 37 of the writ petition is relied upon which corroborates ailments of the wife of the petitioner.

West Bengal Central School Service Commission and the State respondents are represented by learned advocates. It is submitted on behalf of the respondent authorities that since the wife of the petitioner is

suffering from serious ailments direction may be given upon the concerned District Inspector of Schools (S.E.) to obtain medical report from the concerned Chief Medical Officer of Health and if such report supports petitioner's transfer, decision needs to be taken by the concerned authority of the West Bengal Central School Service Commission.

Ordinarily this court does not pass order for transfer if application is made in offline mode unless applicant teacher or his or her spouse or son or daughter is suffering from serious ailments or the applicant teacher is facing serious problem in attending the school as contemplated under Rules 4(a) to 4(e) as contained in notification dated 8th September, 2021 amending transfer rules of 2015. But in the present case it is found that the wife of the petitioner is suffering from serious ailment and the same is supported by medical documents which are annexed to this writ petition requiring direction upon the concerned respondent authorities to take steps for transfer of the petitioner. It is also submitted on behalf of the petitioner that apart from the school, that is, Dabri SSB High School (H.S.), Bankura as indicated in the transfer application dated 9th September, 2024, petitioner is willing to be transferred to other schools which are nearby to his place of residence.

Taking note of such submission, District Inspector of Schools (S.E.), Purulia being respondent

no.5 is directed to obtain medical report from the concerned Chief Medical Officer of Health on medical verification of the wife of the petitioner by three weeks from the date of communication of this order. If medical report justifies transfer of petitioner, respondent no.5 shall forward transfer application along with medical report to the Chairman, West Bengal Central School Service Commission being respondent no.4 by one week thereafter. On receipt of documents and transfer application, respondent no.4 shall decide transfer application of the petitioner by four weeks thereafter and decision to be communicated to the petitioner by one week thereafter.

It is made clear that suspension of Utsashree portal shall not be a ground to reject transfer application of the petitioner.

Learned advocate for the petitioner is directed to supply annexures to the writ petition to the learned advocate of respondents in course of this day.

Hence, 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.)

