

26.06.2024
Court No.13
Item No.3
AP

WPA 27712 of 2023

**Debajoyti Roy
Vs.
The State of West Bengal and Ors.**

Mr. Firdaus Samim
Ms. Gopa Biswas
Ms. Mohona Das

... For the Petitioner.

Mr. Sk. Md. Galib
Ms. Sujata Mukherjee

... For the State.

Mr. Md. Sarwar Jahan
Mr. Kaustav Roy

... For the Respondent Nos.4 & 5.

1. This Court has considered the report of the Murshidabad Medical College and Hospital. Admittedly, the petitioner is a patient of Retinitis Pigmentosa (RP). He is admittedly 70% visually handicapped. Retinitis Pigmentosa (RP) is a genetic disorder of the eyes. It normally emerges in the 20s and 30s of a person. He also has certain other diseases.

2. From the submissions of learned counsel for the petitioner it appears that the petitioner is willing to continue his work and his medical condition does not prevent him from discharging his duties.

3. Admittedly, the petitioner obtained transfer as a draft teacher from parent school namely 55, Mahadia A.N. Roy Primary School to 30, Bagdanga G.S.F. Primary School. The said transfer under the provision of draft

teachers has already been discussed in the order dated 12th December, 2023. The draft teachers being sent to other schools is ex facie contrary to law and against normal service jurisprudence.

4. The petitioner being repatriated to his parent school i.e. 55, Mahadia A.N. Roy Primary School, by the impugned order dated 18th September, 2023 does not suffer from any infirmity.

5. In these circumstances, the petitioner shall comply with the said order of transfer. If any arrears of salary are payable to him in accordance with law for the period he has worked at the 30, Bagdanga G.S.F. Primary School, the same may be released through the parent school namely 55, Mahadia A.N. Roy Primary School. The petitioner shall join by day after tomorrow.

6. In the event, the petitioner apprehends any threat to him, Kandi Police shall extend necessary assistance and look into the matter and take appropriate steps in accordance with the law on a complaint being lodged by the petitioner.

7. With the aforesaid direction, the writ petition is disposed of.

8. There shall be no order as to costs.

9. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)