

09.04.2024

(S/L-04)
Ct.-18
(P. Jana)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 28441 of 2023

Sanjiban Roy

-Vs-

The State of West Bengal & Ors.

Mr. S.P. Lahiri,
Ms. Ankita Dey,
Mr. Rajesh Naskar,
Mr. Srijit Haldar,

.... For the Petitioner.

Dr. Sutanu Kumar Patra,
Mr. Sunit Kumar Roy,
Ms. Debolina Chakraborty,

...For the SSC.

Mr. Mrinal Kanti Ghosh,
Mr. Sandip Chattopadhyay,

....For the State.

Ms. Koyeli Bhattacharyya,

...For the WBBSE.

The petitioner is a Group-D staff at Nalanda Vidyapith (H.S), District: Dakshin Dinajpur, he has applied general transfer on medical ground i.e. he is suffering from Locomotor disability, besides he has developed “Chronic Inflammatory Demyelinating Polyneuropathy (CIDP).

The District Inspector of Schools (SE), Dakshin Dinajpur, the respondent no. 5 herein, by the order bearing Memo No. 86/DD/Law dated November 03, 2023, the impugned order herein, has rejected the said application on the ground that “**Online**” Portal for general transfer namely “**Utsashree**” since is under suspension, the “**Offline**” application for such general transfer is not entertainable.

The petitioner, aggrieved by the said rejection, has filed the instant writ petition.

The petitioner has annexed medical documents including the Disability Certificate issued by the Superintendent of District Hospital, Balurghat, District:

Dakshin Dinajpur, West Bengal with the writ petition, the said Certificate discloses that the petitioner is 60% disabled.

The grounds of general transfer when appeared to this Court stood worthy of consideration, by the order dated March 19, 2024 had directed the respondent no. 5 to file a report indicating a suitable vacancy in any school near to the residence of the petitioner so that he may be transferred to the said school.

Mr. Ghosh, learned advocate for the State, files such report bearing Memo No: 15/DD/Law dated April 08, 2024 which is taken on record.

In the said report, the respondent no. 5 has disclosed the available vacancy suitable to accommodate the petitioner in the following three schools:-

1. **BHABANIPUR JUNIOR HIGH SCHOOL.**
2. **TEOR GOVERNMENT SPONSORED ASHRAM TYPE HIGH SCHOOLS FOR GIRLS.**
3. **TEOR KRISHNA ASTAMI HIGH SCHOOL.**

The order impugned is set aside. The Commissioner of School Education, the respondent no. 2 herein is directed to issue necessary order of general transfer of the petitioner to any one of the above named schools and to take forward steps for issuance of recommendation of such transfer by the West Bengal Central School Service Commission and for issuance of order of the said transfer by the West Bengal Board of Secondary Education.

To facilitate the aforesaid exercise, the respondent no. 5 is required to transmit all relevant papers including his aforesaid report dated April 08, 2024 to the respondent no. 2 within a period of two weeks from date.

The respondent no. 2 shall perform his part of obligation under this order within a period of four weeks

from the date of receipt of the aforementioned relevant papers/documents.

It is made clear that this order is fact-specific as such shall not be treated as a precedent.

WPA 28441 of 2023 is **disposed of** with the above terms without any order as to costs.

Parties to act on the server of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)