

14.06.2024
Sl. No.12(DL)
srm

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

W.P.A. No. 674 of 2024

Alok Roy

Versus

The State of West Bengal & Ors.

Mr. Subhankar Dutta
...for the Petitioner.

Mr. Subir Kumar Saha, Id. AGP
Ms. Bedashruti Bose
...for the State-respondents.

Mr. Sunit Ray,
Mr. Subhasish Misra
...for the West Bengal Central
School Service Commission.

1. The petitioner is serving as an assistant teacher of Bamanhat High School, Dinhata, District-Cooch Behar. On the medical ground of his spouse, the petitioner prayed for transfer to some other school within the jurisdiction of Jalpaiguri.
2. The petitioner had filed the application in the 'Utsashree' portal, which was operational at the relevant point of time. The case of the petitioner was forwarded to the appropriate authority and a medical examination of the wife was conducted. The Chief Medical Officer of Health, Cooch Behar also gave a medical certificate indicating

that the wife of the petitioner was suffering from pelvic pain and serious gynecological disorders.

3. However, as the petitioner's case was kept pending, the petitioner moved this Court by filing WPA No.2176 of 2023. The Court directed the West Bengal Central School Service Commission to decide the issue. The Central School Service Commission accordingly intimated the petitioner that there were no vacancies in the preferred schools at Jalpaiguri were available. Thus, the recommendation could not be given.
4. By now the 'Utsashree' portal has been suspended. However, this Court is of the view that justice would be sub-served if the Central School Service Commission makes an attempt to find out a school within Jalpaiguri town or Jalapiguri district, by applying Rule 6(4)(d) of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015.
5. The writ petition is disposed of directing the Chairman, Central School Service Commission to treat the writ petition as the representation of the petitioner and dispose of the request for transfer of the petitioner on the medical ground of his wife, by taking steps to transfer the

petitioner to any vacancy in any school either within Jalpaiguri town or whether Jalpaiguri district close to his residence, as the case may be.

6. As the 'Utsashree' portal is now suspended and the availability of vacancy is not accessible to the Commission, the District Inspector of Schools (Secondary Education), Jalpaiguri is directed to send a list of vacancies in Bio-Science to any school within Jalpaiguri town or within Jalpaiguri district, close to the petitioner's residence.
7. The District Inspector of Schools (Secondary Education), Jalpaiguri, shall forward the list of vacancies within one month and the West Bengal Central School Service Commission on receipt of such vacancy list and copy of this order shall pass necessary orders within three months thereafter.
8. The writ petition is, thus, disposed of.
9. There shall be no order as to costs.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)