

19.06.2024
Sl. No.11(DL)
srm

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

W.P.A. No. 865 of 2024

Rahul Kundu

Versus

The State of West Bengal & Ors.

Mr. Shuvra Prakash Lahiri,
Mr. Debjit Kundu

...for the Petitioner.

Mr. Subir Kumar Saha, Id. AGP

...for the State-respondents.

1. The petitioner is serving as an Assistant Teacher of Uchalpukuri No.1 S/C Primary School, District-Cooch Behar. The petitioner prays for transfer on the medical ground of his child. The child allegedly suffers from Thalassemia.
2. It is submitted that the prayer for transfer should be favourably considered as the child is suffering since long. It is further submitted that medical examination by the Chief Medical Officer of Health has not yet been held. It is also submitted that even if the petitioner did not complete five years' of service, that should not stand in the way of his transfer, if the Chief Medical Officer of

Health gives the certificate that the child actually suffers from Thalassemia. Reliance has been placed on the decision of the Hon'ble Division Bench of this Court in this regard.

3. The petitioner submits that it would be preferable if he is transferred to any school at Bankura, close to his hometown. The petitioner relies on a communication made by the District Inspector of Schools (Primary Education), Bankura, in this regard.
4. The President, West Bengal Board of Primary Education shall treat the writ petition as a representation of the petitioner and pass necessary orders in accordance with law, upon granting hearing to the petitioner. A direction for medical examination of the child to be conducted by the Chief Medical Officer of Health may be passed by the authority, prior to disposal of the matter to understand whether the petitioner's cause is genuine.
5. As the 'Utsashree' portal has been temporarily suspended, the matter will be decided in the offline mode. The options available shall be shown to the petitioner.
6. This Court has not gone into the merits of the claim of the petitioner. The entire matter shall be decided as per law

and on the basis of the records that may be produced by the petitioner, within twelve weeks from the date of communication of this order.

7. The writ petition is, thus, disposed of.
8. There shall be no order as to costs.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)