

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

**WPA 1049 of 2024
Doyel Paul
-versus-
The State of West Bengal & Anr.**

Mr. Santanu Maji,
Mr. Aninda Bose,
Mr. Jagesh Chandra Roy
.....for the petitioner.
Mr. Subir Kumar Saha,
Mr. Pradip Sarkar
.....for the State.
Mr. Sunit Roy
.....for the respondent no.2/WBCSSC.

Supplementary affidavit filed in Court today by
the petitioner is taken on record.

The petitioner, a resident of District – Darjeeling, is
working as an Assistant Teacher in Pipla High School
(Higher Secondary) situated at village and P.O.- Pipla,
P. S.- Harishchandrapur, District – Malda (hereinafter
referred to as the said school). The petitioner is
teaching Geography (H/PG) and is a general category
teacher working at the said school since 15th
September, 2009. The petitioner says that she has
applied for general transfer in terms of the West Bengal
School Service Commission (General Transfer, Transfer
on Special Grounds and Reallocation) Rules, 2015 on
20th August, 2021. The petitioner's application for
transfer is on medical ground and on the distance of
the school from her residence. The petitioner is seeking
transfer to a school at Darjeeling and has given

preference as to 3 schools in her last representation made on 29th April, 2024.

Although, the school is situated at Malda wherefrom the petitioner is seeking transfer and that District – Malda is not covered under the jurisdiction of the Circuit Bench at Jalpaiguri yet considering the fact that the petitioner is a resident of District – Darjeeling over which the Circuit Bench has jurisdiction and treating that a part cause of action with regard to the writ petition has accrued within the jurisdiction of the Circuit Bench at Jalpaiguri, the writ petition is entertained.

After hearing the parties and considering the materials on record, I find that the transfer application of the petitioner has to be brought to a logical conclusion.

The petitioner is directed to submit all relevant documents by a forwarding letter giving reference of her transfer application to the District Inspector of Schools (S.E.), Malda within a period of 3 weeks from date.

The District Inspector of Schools (S.E.), Malda shall verify the documents so submitted and shall obtain the opinion of the Chief Medical Officer of Health (in short, 'CMOH'), Malda about the health issues cited by the petitioner as a ground for transfer as expeditiously as possible.

After obtaining the views of CMOH, Malda the District Inspector of Schools (S.E.), Malda shall send all

the documents to the Commissioner of School Education (respondent no.4) and the Chairman, West Bengal Central School Service (respondent no.2). The documents are to be sent by the District Inspector of Schools (S.E.), Malda within 2 weeks from the date of receipt of the views of the CMOH, Malda.

The respondent nos.2 and 4, on receipt of the documents from the District Inspector of Schools (S.E.), Malda, shall take a decision about the petitioner's application for general transfer within a period of six weeks from the date of receipt of the documents from the District Inspector of Schools (S.E.), Malda. The respondent nos.2 and 4 as the case may be will give the petitioner a personal hearing, if necessary and dispose of the application by a reasoned order which shall be communicated to the petitioner immediately after being passed.

If the respondent nos.2 and 4 finds that the petitioner is entitled to the general transfer, the said respondents shall take necessary steps as expeditiously as possible to effect the petitioner's transfer.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Since I have not called for any affidavits, allegations contained in this writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)