

Item No.34
11.06.2024
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 1075 of 2024

Samir Adhikary
VS
The State of West Bengal & Ors.

Mr. Debajit Kundu

...for the Petitioner.

*Mr. Subir Kumar Saha,
Mr. Sandip Guha Roy*

...for the State.

Mr. Deborshi Dhar

...for the District Primary School Council, Cooch Behar.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner contends that his application for general transfer on medical ground to any school close to his residence at Boarding Para, Bailen, Post Office – Dinhata, Police Station – Dinhata, District – Cooch Behar, has not been considered by the Secretary, West Bengal Board of Primary Education. The petitioner also made a representation before the District Primary School Council, Cooch Behar.

It is contended by Mr. Dhar, learned advocate for the District Primary School Council, Cooch Behar that in case of intra district transfer, the Chairman of the District Primary School Council is the proper authority, but as the Utsa Shree portal had been discontinued, applications for transfer were being considered by the Secretary of the West Bengal Board of Primary Education.

This Court is not inclined to pass any mandatory direction with regard to the prayers of the petitioner.

However, this Court directs the District Primary School Council to treat the writ petition as a representation and take necessary steps with regard to disposal of the application filed by the petitioner seeking transfer, either by deciding the matter at the level of the Chairman of the Council or relegating the matter to the appropriate authority, in the event, the Chairman does not retain the authority to decide the matter upon withdrawal of the Utsa Shree portal and the decision has to be taken by the Board.

Decision however shall be taken and communicated to the petitioner within a period of two months from date of communication of this order. An opportunity of hearing shall be given to the petitioner and the school authorities.

This Court has not gone into the merits of the claim of the petitioner.

However, if the prayer of the petitioner is found to be legitimate before any decision is taken, the authority concerned shall be at liberty to call for appropriate medical report from the Chief Medical Officer of Health with regard to the medical condition of the petitioner.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)