

Item No.9
20.06.2024
Court. No. 2
GB

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

WPA 1205 of 2024

Bandita Goswami
VS
The State of West Bengal & Ors.

Mr. Debajit Kundu

...for the Petitioner.

*Mr. Nabankur Paul,
Mr. Sourav Sarkar*

...for the State.

*Mr. Sumit Kumar Roy,
Mr. Subhasish Mishra*

...for the School Service Commission.

Mr. Anirban Banerjee

...for the WBBSE.

1. The petitioner is an assistant teacher at Belakoba Girl's High School, District – Jalpaiguri. She prayed for transfer on medical ground of her spouse. It appears that a certificate endorsed by several medical practitioners of District Hospital, Jalpaiguri including the Chief Medical Officer, Jalpaiguri was given and the husband was found fit.
2. However, this certificate does not disclose whether the condition of the petitioner's husband is such that a transfer on medical ground of her spouse would be necessary, to enable the petitioner to look after her husband. Transfer on medical grounds of

the spouse is allowed if the CMOH certifies that the spouse actually suffers from serious medical condition.

3. It appears that the matter is still pending with the school authorities, that is, the application has been forwarded to the Head of the Institution.
4. There seems to be certain confusions in the communication between the authorities. The President of the school had indicated that the school did not have any objection to the prayer for transfer. The school also wrote to the BMOH, Sadar Block, Jalpaiguri seeking the authenticity of the medical status of the spouses of those persons who had applied through the Utsashree Portal for transfer on medical ground.
5. There does not appear to be any formal report either by the BMOH, Sadar Block, Jalpaiguri or by the CMOH, Jalpaiguri.
6. Under such circumstances, the school authority is directed to seek further medical report from the BMOH with a prayer that the medical condition of the petitioner's husband should be assessed. The CMOH shall also thereafter conduct a medical investigation of the health condition of the petitioner's husband and thereafter the matter shall proceed in accordance with law and be forwarded to the District Inspector of Schools

concerned, if the report indicates the medical condition of the spouse of the petitioner.

7. The matter shall be disposed of accordingly by the competent authority within a period of twelve weeks from date of communication of this order. As the Utsashree Portal has been suspended temporarily, the entire process shall be done in the offline mode. A decision shall be taken with reasons, in this regard.
8. Accordingly, the writ petition is disposed of.
9. However, 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.)