

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

**35
20.12.2024
adeb**

WPA 2619 of 2024

**Riya Bhadra
Vs.
The State of West Bengal & Ors.**

**Mr. Sudip Ghosh Choudhury
Mr. Soumyajit Laskar
....For the petitioner**

**Mr. Momenur Rahman
Mr. Bikash Singha
...For the State**

**Mr. Bikramaditya Ghosh
...For the Primary Board**

Today, writ petition is heard in presence of the learned advocates representing the petitioner, West Bengal Board of Primary Education and State-respondents. However, District Primary School Council, Coochbehar in spite of service of notice is not represented today.

Petitioner being a primary teacher working under the jurisdiction of District Primary School Council, Coochbehar has prayed for direction upon the concerned respondent authorities for her transfer to a primary school in Murshidabad since petitioner is suffering from gynecological disorder. An application was made offline on 27th October,

2024 addressed to the Secretary, West Bengal Board of Primary Education since it is a case of inter district transfer. Grievance of the petitioner is in spite of making application on 27th October, 2024 till date no decision has been taken by the concerned authority.

On behalf of West Bengal Board of Primary Education it has been submitted that since an application was made for transfer on medical ground concerned District Primary School Council is required to obtain medical report from the concerned medical officer and if medical report justifies transfer of the petitioner in that event issue should be referred to the West Bengal Board of Primary Education for taking final decision.

Having considered the submissions made on behalf of the parties, writ petition stands disposed of directing Chairman, District Primary School Council, Coochbehar being respondent no. 3 to obtain medical report on medical verification of the petitioner by 3 (three) weeks from the date of communication of this order from concerned Chief Medical Officer of Health. If medical report justifies transfer of the petitioner in that event only petitioner's transfer application along with medical report shall be forwarded to the Secretary, West

Bengal Board of Primary Education being respondent no. 2 by 2 (two) weeks thereafter. On receipt of transfer application and medical report respondent no. 2 shall finally decide transfer application of the petitioner in accordance with law by 4 (four) weeks thereafter. The decision to be taken by the respondent no. 2 shall be communicated to the petitioner by 2 (two) weeks thereafter.

It is made clear that suspension of Utsashree Portal shall not be a ground to reject the transfer application of the petitioner.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)