

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 262 OF 2024

Gautam Haldar
Vs.
The State of West Bengal & Others

Mr. Anjan Bhattacharya, Adv.
Ms. Anita Shaw, Adv.
...for the Petitioner

Mr. Sourav Mitra, Adv.
Mr. Sunit Kumar Roy, Adv.
...for W.B.C.S.S.C.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record. In spite of service of notice apart from West Bengal Central School Service Commission other respondents are not represented.
2. Petitioner prays for transfer on medical ground since son of the petitioner is suffering from brain tumour, i.e., ‘Craniopharyngioma’.
3. Notice of this Court has been drawn to a document at page 38 of the writ petition wherefrom it appears school authority where petitioner is presently working has issued ‘No Objection’ certificate for transfer of the petitioner on 8th August, 2023.
4. West Bengal Central School Service Commission is represented by learned advocate who submits if transfer application along with medical report is forwarded to the Secretary, West Bengal Central

School Service Commission, same shall be decided, in accordance with law.

5. In view of aforesaid special circumstances and taking note of the document at page 38 of the writ petition wherefrom it appears that the school authority issued 'No Objection' certificate in favour of the petitioner on 8th August, 2023, petitioner is granted leave to make application in prescribed format along with copy of the 'No Objection' certificate issued by the school authority before the District Inspector of Schools (S.E.), Purba Medinipur being respondent no.3 by seven (7) days from date.
6. If such application is made within the aforesaid time, respondent no.3 shall obtain medical report from concerned Chief Medical Officer of Health/ Medical Board on medical examination of son of the petitioner by fortnight thereafter. If medical report justifies transfer of the petitioner considering present health condition of son of the petitioner, respondent no.3 shall forward the transfer application along with medical report to the Secretary, West Bengal Central School Service Commission being respondent no.5 by seven (7) days thereafter. On receipt of transfer application and medical report respondent no.5 shall decide transfer application of the petitioner by

fortnight thereafter, in accordance with law and the decision to be taken by the respondent no.5 shall be communicated to the petitioner by ten (10) days thereafter.

7. It is made clear that suspension of portal shall not be a ground to reject transfer application of the petitioner.
8. With the above directions, writ petition stands disposed of.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)