

17.02.2025
Court No. 18
Item No.03
(Suvendu)

WPA 1365 of 2025

Kiran Khatun
-Versus-

State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome
Ms. Swati Dey

.....for the petitioner

Mr. Sourav Mitra

.....for the WBCSSC

Md. Mansoor Alam
Mr. Ashish Dutta

...for the State

Ms. Koyeli Bhyattacharyya
Mr. Bibek Dutta
Ms. Keya Panja

....for the WBBSE

Affidavit of service filed on behalf of the
petitioner is taken on record.

By presenting this writ petition, petitioner
has prayed for transfer on medical ground since
petitioner herself and her son and daughter are
suffering from ailments. An off-line transfer
application was made on 1st November, 2024
stating that petitioner underwent an operation
in 2018 and in 2019 her son also had an
operation. There is an admission in the
application dated 1st November, 2024 by the

petitioner that an application was made on special ground for her transfer which was rejected since petitioner was not found eligible to be transferred on applying embargo relating to 10% of the existing teaching staff as contemplated under Rule 5(6) of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015.

Respondents are represented by learned advocates.

It is contended on behalf of the West Bengal Central School Service Commission (hereinafter referred to as "Commission") that since it is stated in the application of the petitioner dated 1st November, 2024 previous transfer application was rejected in terms of Rule 5(6) of the Rules of 2015, during suspension of portal off-line application seeking transfer may not be entertained.

Having considered the case made out in the writ petition and submissions made on behalf of the respondent authorities, it appears that petitioner has made an off-line application seeking transfer on medical ground since petitioner is suffering from gynecological disorder and she had an operation in 2018 and

both male and female children of the petitioner are also suffering from ailments.

In view of the situation narrated in the application dated 1st November, 2024 it appears that transfer application of the petitioner needs to be considered upon treating the same as an application on special ground, not on general ground. Therefore, while deciding transfer application of the petitioner embargo relating to 10% of the existing teaching staff as contemplated under Rule 5(6) is not applicable.

In view of the special circumstances, as it is found from the application of the petitioner, District Inspector of Schools (SE), Murshidabad, being respondent no. 8 is directed to obtain medical report from the concerned Chief Medical Officer of Health on medical examination of the petitioner and if necessary upon medical examination of her son and daughter by four weeks from the date of communication of this order. If medical report justifies transfer of the petitioner, respondent no. 8 shall forward the transfer application of the petitioner along with medical report to the Commission by seven days thereafter. On receipt of transfer application along with medical report, Chairman of the Commission being respondent no. 5 shall decide

the transfer application of the petitioner by four weeks thereafter and decision to be taken by respondent no. 5 shall be communicated to the petitioner by ten days thereafter.

Writ petition stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)