

17.02.2025
Court No. 18
Item No.04
(Suvendu)

WPA 1428 of 2025

Arun Jana
-Versus-

The State of West Bengal & Ors.

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

.....for the petitioner

Mr. Kanak Kiran Bandyopadhyay
.....for the WBCSSC

Mr. M.A. Salik
...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.

Petitioner has prayed for transfer on
special ground by making off-line transfer
application dated 18th September, 2024.

On perusal of the said application, it
appears that petitioner is a cancer patient and
presently he is living with one kidney. Apart
from cancer, petitioner is also suffering from
other ailments. However, it is admitted position
that distance in between the present school of

the petitioner and his place of residence is fourteen kilometers.

Learned advocate representing West Bengal Central School Service Commission has opposed the prayer of the petitioner since distance in between the school of the petitioner and his place of residence is fourteen kilometers.

It has been pointed out on behalf of the petitioner in reference to Rule 3 of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 that stipulation of distance of twenty-five kilometers in between the school of the applicant-teacher and the school where the said teacher is seeking transfer as provided under Rule 3(2) is applicable in case application is made seeking transfer on general ground (distance).

However, in the present case petitioner is a cancer patient who has made an off-line application for transfer on medical ground where Rule 3(2) of the aforesaid Transfer Rules of 2015 is not applicable.

It is true as it is admitted in the present case that distance in between residence and present school of the petitioner is fourteen kilometers but considering the present health

condition as narrated in the writ petition and off-line application dated 18th September, 2024, as a special case District Inspector of Schools (SE), Purba Medinipur being respondent no. 7 is directed to obtain medical report from the concerned Chief Medical Officer of Health on medical verification of the petitioner by fortnight from the date of communication of this order. If medical report justifies transfer of the petitioner, respondent no. 7 shall forward the transfer application of the petitioner along with medical report to the West Bengal Central School Service Commission by seven days thereafter. On receipt of transfer application along with medical report, Chairman of the West Bengal Central School Service Commission shall decide the transfer application by four weeks thereafter and decision to be taken by the Chairman of the Commission shall be communicated to the petitioner by one week thereafter.

The Chairman, West Bengal Central School Service Commission shall take decision on transfer of the petitioner to any one of three schools as indicated in the transfer application dated 18th September, 2024 provided such school situates at a distance from the residence

of the petitioner which is less than fourteen kilometers.

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

Since Chairman, West Bengal Central School Service Commission is not made party, leave is granted to petitioner to amend cause title of the writ petition by adding the Chairman of the Commission as an additional respondent. However, service of notice upon the Chairman of the Commission is dispensed with since the Commission is represented by the learned advocate today.

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

(Saugata Bhattacharyya, J.)