

15 20.02.2025
rkd Ct.18

W.P.A. 2590 of 2025

Babu Sk.

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra,
Ms. Debolina Chakraborty

....for the petitioner.

Mr. Nikhil Kumar Gupta,
Mr. Nara Narayan Ganguly

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta,

....for the WBBSE.

Ms. Supriya Dubey

....for the WBCSSC.

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

An application for transfer was made on
Utsashree portal on 25th November, 2022 by the
petitioner seeking transfer since petitioner is
suffering from several ailments.

The school authority where petitioner is
presently serving forwarded the same to the
concerned District Inspector of Schools (SE),
Murshidabad being respondent no.4 for taking
further steps. On receipt of transfer application
respondent no.4 obtained medical report on
medical examination of the petitioner but
subsequently transfer application of the petitioner

was not forwarded to the West Bengal Central School Service Commission for taking final decision.

The learned advocate representing the petitioner relies upon medical report dated 10th March, 2023 furnished by the Medical Superintendent cum Vice-Principal, Murshidabad Medical College & Hospital addressed to the Chief Medical Officer of Health wherefrom it appears that petitioner is suffering from *systolic hypertension with gouty arthritis and past history of tuberculous sinus* on the back. It is also certified that petitioner feels difficulty in walking due to recurrent *arthritis and urate nephropathy*.

According to the petitioner, considering the nature of ailment by this time concerned respondent authorities should have taken decision on the transfer application of the petitioner but same has not been done since respondent no.4 has not forwarded the transfer application to the West Bengal Central School Service Commission.

The learned advocate representing the State respondents has submitted that petitioner is suffering from ailment but such disease is not a specified disease under relevant transfer rule as contained in notification dated 8th September,

2021.

It is submitted on behalf of the Commission if transfer application is forwarded by the respondent no.4 same shall be decided in accordance with law.

While deciding the issue whether petitioner's transfer application to be decided finally or not this Court finds that medical certificate dated 10th March, 2023 speaks about ailment of the petitioner which may not come directly under amended Rule 4(a) of notification dated 8th September, 2021 amending the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 but fact is petitioner is suffering from *arthritis and urate nephropathy* for which he feels difficulty in walking as certified by the Medical Superintendent cum Vice-Principal of Murshidabad Medical College & Hospital.

As a special case respondent no.4 is directed to forward the transfer application of the petitioner along with medical report dated 10th March, 2023 to the West Bengal Central School Service Commission by fortnight from the date of communication of this order.

On receipt of the same the Chairman, West

Bengal Central School Service Commission being respondent no.3 is directed to decide the transfer application of the petitioner by four weeks thereafter.

The decision to be taken by the respondent no.3 shall be communicated to the petitioner by one week thereafter.

However, it is made clear that suspension of Utsashree portal shall not be a ground for rejecting the transfer application of the petitioner.

The writ petition is disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)