

20.03.2025
Court No. 18
Item No. 11
(Suvendu)

W.P.A. 3138 of 2025

Moushumi Sarkar

-Versus-

The State of West Bengal & Ors.

Mr. Ujjal Ray

Mr. Sk. Abdur Rahim

Mr. Ivan Roy

.....for the petitioner

Ms. Rupsha Chakraborty

Ms. Amrita Tewari

.....for the State

Mr. Sunit Kumar Roy

...for the WBCSSC

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

In spite of service of notice repeatedly
upon the authorities of Bachcha Munshi Smriti
Balika Vidyalaya (HS), Uttar Dinajpur being
respondent nos. 6, 7 and 8, those respondents
are not represented.

However, matter is heard in presence of
the learned advocates representing the
petitioner, West Bengal Central School Service
Commission and State respondents.

Petitioner made an application for transfer on medical ground on Utshasree portal on 2nd August, 2022 since she was suffering from gynecological disorder.

Grievance of the petitioner is transfer application dated 2nd August, 2022 was sent back to her on 10th July, 2023 by the aforesaid school authority without forwarding the same to the District Inspector of Schools (SE), Uttar Dinajpur being respondent no. 5.

Since transfer application has been made on medical ground, school authority cannot send back the same to the petitioner and by this time school authority should have taken steps to forward the transfer application of the petitioner to the concerned District Inspector of Schools.

It is already decided by this Court and the Hon'ble Division Bench that entitlement of an applicant-teacher to be transferred in terms of statutory Rules cannot be curtailed due to suspension of portal.

Therefore, the issue is no more *res integra*.

Hence, respondent no. 7 is directed to forward transfer application of the petitioner in off-line mode to respondent no. 5 by fortnight

from the date of communication of this order. On receipt of transfer application, respondent no. 5 shall obtain medical report from the concerned Medical Officer on medical verification of the petitioner by four weeks thereafter. In the medical report concerned Medical Officer is required to certify that nature of ailment of petitioner is such that she should avoid long distance journey. If medical report justifies transfer of the petitioner, respondent no. 5 shall forward transfer application along with medical report to the Chairman, West Bengal Central School Service Commission being respondent no.2 by fortnight thereafter. On receipt of transfer application and medical report, respondent no. 2 shall decide the same in accordance with law by four weeks thereafter and decision to be taken by respondent no. 2 shall be communicated to the petitioner by ten days thereafter.

It is made clear that transfer application of the petitioner shall not be rejected on the ground of suspension of portal.

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

There shall be, however, no 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.)