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27.02.2025
Ct. No. 18
adeb

W.P.A. 3197 of 2025

Dipankar Dey
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Debalina Chakraborty
..for the petitioner

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja
...for the WBBSE

Mr. Sunit Kr. Roy
...for the SSC

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

Matter relates to transfer of the petitioner on medical ground based on an application made on Utsashree Protal on 22nd September, 2022 since spouse of the petitioner is suffering from gynecological disorder. School authority where petitioner is presently serving forwarded the transfer application of the petitioner on 29th September, 2022 to the District Inspector of Schools (SE), Murshidabad being respondent no. 4 for taking further steps in order to process the transfer application of the petitioner. Petitioner prays for direction upon the West Bengal Central School Service Commission for consideration of transfer application of the petitioner since on 9th

November, 2022 respondent no. 4 forwarded the transfer application through portal to the Commission.

Learned advocate representing West Bengal Central School Service Commission in reference to the medical report dated 25th October, 2022 submits since medical verification was made in the month of October, 2022 fresh medical verification is needed in order to find out whether petitioner is still suffering from gynecological disorder or not.

On perusal of medical report dated 25th October, 2022 it does not appear that the concerned medical authority advised the petitioner to avoid long journey in order to take constant care of his wife considering the nature of disease of the wife of the petitioner. Since in the meantime more than two years have passed this Court finds further medical verification is necessary to find out whether the wife of the petitioner is cured or not due to continuous treatment.

Respondent no. 4 is directed to obtain medical report afresh on medical verification of the wife of the petitioner by 3 (three) weeks from the date of communication of this order. In the medical report concerned medical officer is required to certify whether petitioner is advised to avoid long distance journey or not since his wife is suffering from gynecological order. If fresh medical report justifies transfer of the petitioner respondent no. 4 shall forward the same to

the West Bengal Central School Service Commission by 7 (seven) days thereafter for taking final decision on transfer application of the petitioner.

On receipt of transfer application and medical report Chairman, West Bengal Central School Service Commission being respondent no. 3 is directed to decide the same by 4 (four) weeks thereafter and the decision to be communicated to the petitioner by 1 (one) week thereafter.

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

The writ petition stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)