

04.04.2025
Court No. 18
Item No.41
(Suvendu)

WPA 3207 of 2025

Ahibhusan Roy
-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Pritha Biswas
.....for the petitioner

Ms. Kakali Samajpati
Mr. Supriya Majumder
.....for the State

Mr. Kanak Kiran Bandyopadhyay
...for the WBCSSC

Mr. Bibek Datta
....for the WBBSE

In terms of order dated 10th March, 2025, report dated 2nd April, 2025 is filed on behalf of the District Inspector of Schools (SE), Murshidabad being respondent no. 4 and same is taken on record. In the report dated 2nd April, 2025 medical report dated 10th November, 2022 is enclosed wherefrom it does not appear that nature of ailment of wife of the petitioner is such which requires constant care and supervision, therefore, there is need to transfer the petitioner from his present school to another school which is more close to his place of residence.

It needs to be recorded herein that petitioner was mutually transferred vide mutual transfer order dated 8th February, 2021 and thereafter an application for transfer on medical ground was made on 10th July, 2022 in pursuit of getting benefit of transfer to a school which is closer to his place of residence. The application dated 10th July, 2022 seeking transfer on medical ground is based on the fact that wife of the teacher is suffering from gynecological disorder.

On perusal of the medical report dated 10th November, 2022 it is found that same is not exhaustive. It is also contended by learned advocate representing West Bengal Central School Service Commission that medical report is of November, 2022 and in the meantime with help of constant treatment health condition of wife of the petitioner may have been improved.

Considering the submissions made on behalf of the parties, this Court directs respondent no. 4 to obtain medical report afresh from the concerned Chief Medical Officer of Health (CMOH)/ Medical Board on medical examination of wife of the petitioner. The concerned CMOH/Medical Board is required to opine whether nature of ailment of wife of the petitioner is such which requires constant care

and supervision. Respondent no. 4 shall obtain medical report by four weeks from the date of communication of this order. If medical report justifies transfer of the petitioner, transfer application along with medical report shall be forwarded to the Chairman of West Bengal Central School Service Commission being respondent no. 3 by fortnight thereafter. On receipt of transfer application and medical report, respondent no. 3 shall decide the same in accordance with law by six weeks thereafter. Decision to be taken by respondent no. 3 shall be communicated to the petitioner by ten days thereafter.

However, transfer application of the petitioner shall not be rejected on the ground of suspension of Utshasree portal.

Writ petition stands disposed of.

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 undertakings.

(Saugata Bhattacharyya, J.)

