

W.P.A. 4451 OF 2025

**Kabita Haldar
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury, Adv.
Ms. Shreyeta Mitra, Adv.
Ms. Pritha Biswas, Adv.

...for the Petitioner

Mr. Arindam Chattopadhyay, Adv.
Ms. Lipika Chatterjee, Adv.

...for the State

Mr. Sourav Mitra, Adv.

...for W.B.C.S.S.C

Ms. Koyeli Bhattacharya, Adv.
Mr. Bibek Dutta, Adv.
Ms. Keya Panja, Adv.

...for W.B.B.S.E

In terms of previous order dated 27th March, 2025, a report dated 28th March, 2025 enclosing medical report dated 4th January, 2023 is placed before this Court on behalf of District Inspector of Schools (S.E.), Nadia being respondent no.4 and same is taken on record.

On perusal of the medical report dated 4th January, 2023, it appears that petitioner was medically examined by a medical board and a report was prepared wherein it was certified that petitioner was 'Gynaecologically unfit'.

On perusal of such medical report dated 4th January, 2023, it appears that same is not exhaustive based on which mandamus can be issued directing the State respondents to decide transfer application of the petitioner. It needs to be recorded in the medical

certificate by the medical expert that whether nature of ailment is such that the applicant is required to avoid long distance journey otherwise necessity of transfer cannot be assessed relying upon such vague medical report dated 4th January, 2023.

Respondent no.4 is directed to obtain fresh medical report on medical examination of the petitioner by four (4) weeks from the date of communication of this order and in the medical report concerned medical officer or medical board shall certify that considering nature of ailment petitioner is advised to avoid long distance journey; if such certification is found to be required considering health condition of the petitioner.

If medical report justifies transfer of the petitioner, respondent no.4 shall forward the transfer application and medical report to the Chairman, West Bengal Central School Service Commission being respondent no.3 by fortnight thereafter and on receipt of the same respondent no.3 shall take final decision, in accordance with law, by four (4) weeks thereafter. The decision to be taken by respondent no.3 shall be communicated to the petitioner by ten (10) days thereafter.

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

With the above directions, 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.)