

Item No. – 52
17.03.2025
Rohan
Court No. 8

**In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**MAT 283 OF 2025
with
I.A. No.: CAN 1 OF 2025**

**Sharmistha Ray
Versus
The State of West Bengal & Ors.**

**Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra,
Ms. Debalina Chakraborty.**

... for the appellant

**Mr. Amitava Chaudhuri,
Mr. Soumyajit Ghosh.**

... for the State

Mr. Kanak Kiran Bandyopadhyay.

... for the WBCSSC

1. The instant appeal arises from an order dated 25th February, 2025 passed by the Single Bench in WPA 2677 of 2025, whereby and whereunder, an interim order directed the District Inspector of School (S.E.), Murshidabad to obtain the medical report on medical verification of the writ petitioner/appellant.
2. The reason for passing an interim order is evident from the observations made therein that the application seeking transfer on the ground of having a disease which comes within the purview of Rule 4(a) of the West Bengal School Service Commission (General Transfer on Special Grounds and Reallocation) Rules, 2015. There is a complete mechanism provided in the said Rules so far as the decision on the transfer is concerned which, according to the writ

petitioner/appellant, was followed and exhausted completely. It appears that the application was filed at a relevant point of time when the Utsashree portal was operative, which was subsequently suspended by an informed decision taken by the Government. The said application passed through various tiers as provided in the said Rule and ultimately, reached to the School Service Commission but no decision could be taken thereupon because of the suspension of the portal. Since a considerable period had elapsed, the Single Bench was of the view that the physical condition of the writ petitioner/appellant might have improved and, therefore, directed the D.I. of School to obtain a medical report upon the medical verification/examination of the writ petitioner/appellant.

3. Such order is of interim nature and because of the passage of time, the physical condition might have improved and the reason which was prevalent at the time of making an application may also elapsed or eclipsed in the mean time.
4. Since no final decision has been taken by the Single Bench and the order being interim in nature, we do not think that the point urged before us should be decided by us. Such points are available to the writ petitioner/appellant, if taken before the Single Bench, shall be decided in accordance with law.
5. With these observations, the appeal being **MAT 283 of 2025** and the application being **CAN 1 of 2025** are **disposed of**.
6. No order as to costs.

7. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(HARISH TANDON, J.)

(OM NARAYAN RAI, J.)