

24.03.2025
Court No. 18
Item No. 20
(Suvendu)

W.P.A. 5772 of 2025

Arman Ali Mondal
-Versus-

The State of West Bengal & Ors.

Mr. Ujjal Ray
Mr. Sk. Abdur Rahim
.....for the petitioner

Mr. Debnarayan Banerjee
Ms. Chandrani Mukherjee
.....for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
....for the WBCSSC

Mr. Mihir Sarkar
....TIC (in-person)

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

Petitioner has prayed for transfer from his
present school since his two-year-old son is
suffering from autism.

Mr. Mihir Sarkar, Teacher-in-Charge of
Naldugari Parmadan Chandra Kanta Vidyapith
(HS), North 24 Parganas (hereinafter referred to
as “said school”) is personally present in Court
and has made submission that said school is
reeling under shortage of teaching staff and

Pupil-Teacher Ratio does not support transfer of the petitioner. It is submitted that if petitioner is transferred in that event appointments are required to be made in the school.

State respondents and West Bengal Central School Service Commission (for short, "Commission") are represented by learned advocates and it is contended on behalf of the Commission that autism is not a specified disease under the relevant Transfer Rules.

On perusal of the writ petition, it appears that petitioner made an application for transfer in the prescribed format which is at pages 23 to 26 of the writ petition but till date 'No Objection' has not been given by said school authority.

Considering the fact that two-year-old son of the petitioner requires constant care and supervision for overall development as he is suffering from autism, as a special case Teacher-in-Charge of said school is directed to forward transfer application of the petitioner to the District Inspector of Schools (SE), North 24 Parganas being respondent no. 6 by issuing 'No Objection' by seven days from date. On receipt of transfer application, respondent no. 6 is

directed to obtain medical report from the concerned Medical Officer/ Chief Medical Officer of Health on medical examination of son of the petitioner by three weeks thereafter. If medical report justifies transfer of the petitioner, respondent no. 6 shall forward transfer application along with medical report to the Chairman of the Commission being respondent no. 3 by fortnight thereafter. On receipt of transfer application and medical report, respondent no. 3 is directed to decide the transfer application of the petitioner in accordance with law by four weeks thereafter. Decision to be taken by respondent no. 3 shall be communicated to the petitioner by ten days thereafter.

It is made clear that suspension of portal shall not be a ground to reject the transfer application of the petitioner.

Since it has been submitted by the Teacher-in-Charge of the said school who is personally present before this Court that said school will suffer on transfer of the petitioner due to robust roll strength of said school and shortage of teaching staff, concerned authority

of the Commission is directed to take steps for appointment of teachers in said school in accordance with law.

Leave is granted to learned advocate representing the petitioner to amend the cause-title of the writ petition by adding Teacher-in-Charge of said school as additional respondent. However, service of notice upon the Teacher in-Charge of said school is dispensed with since Teacher-in-Charge is personally present before this Court and has made his submissions at the time of hearing of this writ petition.

Writ petition stands disposed of, without any 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.)