

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

**F.M.A. 545 of 2025
With
CAN 1 of 2025**

**Paramita Datta
Vs.
The State of West Bengal & Ors.**

**Mrs. Usha Maity
Mr. S. Maity For the Appellant.**

**Mr. Supriyo Chattopadhyay
Ms. Iti Dutta .. For the State.**

**Ms. Koyeli Bhattacharyya
Ms. Keya Panja
Mr. Bibek Dutta For the WBBSE.**

Mr. Sunit Kumar Roy For the SSC.

The appeal is arising out of an order dated 4th March, 2025 in a writ petition in which the petitioner has challenged the recommendation of her transfer dated 19th April, 2023 issued by the Secretary, West Bengal Central School Service Commission.

Mrs. Maity, learned counsel appearing on behalf of the appellant has submitted that the learned Single Judge has failed to take into consideration the representation made by the appellant on 7th December, 2020 read with the letter dated 15th September, 2023 vide at pages 88, 132 and 135. It is submitted that the request was made for general transfer on special ground, in view of the fact that the appellant has been suffering from Beta

S.D.

Thalassemia (Minor) and her father had suffered a brain stroke few years back. On consideration of the said representation she was transferred to Keoratala SCM High School at South 24 Parganas.

The appellant wants consideration of the said recommendation on medical ground and other grounds as mentioned in the said representation.

Mrs. Maity has submitted that if she had to attend the proposed transferred school she would be required to travel 90 Kms. everyday which her health may not permit inasmuch she has required to look after her ailing father and in absence of her there is none to take care of her ailing parents.

Under such circumstances, we direct the Commissioner of School Education, West Bengal to consider her representation in accordance with law.

The Commissioner shall take into consideration all the medical reports filed by the appellant within one week from date and also the medical report of her father and the distance she would be required to travel for attending the school recommended for her transfer

The appellant shall submit all the medical reports of her as well as of her father within a period of one week from date and the Commission is directed to consider the application mentioned at pages 88, 132 and 135 with the view to find out if her prayer for transfer to a nearby school can be considered on special ground

without disturbing the rationalization policy.

The Commissioner shall decide the matter within four weeks from the submission of all required documents as directed and dispose of the said representation by a reasoned order after giving an opportunity of hearing to the appellant.

The impugned order is accordingly set aside.

The order for recommendation of transfer shall remain stayed for a period of eight weeks or till the decision of the Commission is communicated, whichever is earlier.

The appeal (FMA 545 of 2025) and the connected application (CAN 1 of 2025) are thus disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Smita Das De, J.)

