

4
19.5.2025
Ct. No. 8
SB

MAT 485 of 2025
CAN 1 of 2025
CAN 2 of 2025

Amit Panja
Vs.
The State of West Bengal & Ors.

Mr. Anshunath Chakraborty
Mr. Gourab Mukhopadhyay ... for the appellant

Mr. Pankaj Halder
Ms. Arpita Mondal ... for the State

Mr. Sourav Mitra
Mr. Sunit Roy ... for the W.B.C.S.S.C.

CAN 1 of 2025 (Section 5)

1. There is a delay of 37 days in filing the appeal.
2. We are satisfied with the explanation offered for not being able to file the appeal within the period of limitation. The delay of 37 days is condoned.
3. Accordingly, the application for condonation of delay is allowed and disposed of.

MAT 485 of 2025

4. We have heard the learned advocates for the parties and perused the impugned order. The learned Single Judge, on perusal of the writ petition was of the opinion that the prescription enclosed with the writ petition dated 19.10.2024 cannot justify the transfer on medical ground and the writ petition was not considered in absence of corroborative medical documents. The learned Single Judge, also given liberty to the writ petitioner to apply for transfer in accordance with law.
5. Accordingly, we dispose of the appeal with the same liberty.

6. It would be open for the appellant to apply online or offline for transfer on special ground (medical ground) with corroborative medical documents.
7. The Chief Medical Officer of Health (CMOH) of the concerned district may examine the petitioner and give a report with regard to her medical condition and the report must specifically state as to whether having regard to the nature of her complaints and sufferings, she would be able to travel the long distance as annexed in the writ petition.
8. In the event such application is filed, the D.I. of Schools finds that there are justifiable ground and the medical reports suggest that travelling long distance is not possible or desirable having regard to the nature of the medical issues the D.I. shall forward to the same to the W.B.C.S.S.C. with his recommendations and the W.B.C.S.S.C. is directed to act on the basis of the advice of the D.I. within a reasonable time.
9. With the aforesaid observations, the appeal and the applications are disposed of.

(Soumen Sen, J.)

(Smita Das De, J)