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01.5.2025
Ct. No. 8
SB

MAT 498 of 2025
CAN 1 of 2025
CAN 2 of 2025

Moumita Biswas

Vs.

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

Ms. Shrejata Mitra

Ms. Pritha Biswas ... for the appellant

Mr. K.M. Hossain

Mr. Biman Halder ... for the State

Mr. Biswabrata Basu Mallick

Mr. Amman Arif Ansari ... for D.P.S.C. Hoogly

CAN 2 of 2025

1. There is a delay of 5 days in filing the memorandum of 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 5 days is condoned.
3. Accordingly, the application for condonation of delay is allowed and disposed of.
4. In view of the fact that the petitioner has prayed transfer on medical ground.
5. The finding of the learned Single Judge that the representation of the petitioner can only be considered as a surplus teacher appears to be an error apparent on the face of the record.
6. Under such circumstances, the impugned order is set aside.
7. We direct the concerned D.P.S.C, Hoogly to consider the application on medical ground within a period of eight weeks from the date of communication of this order and communicate the decision to the petitioner within a week thereafter.

8. If require, a personal hearing may be given to the petitioner and all the stake holders before passing a reasoned order.
9. It would be open to the Chairman, D.P.S.C. to obtain necessary medical report from the Chief Medical Officer of the concerned district.
10. The appeal and the applications are disposed of.

(Soumen Sen, J.)

(Smita Das De, J)