

W.P.A. 8247 OF 2025

Vivekananda Roy
Vs.
The State of West Bengal & Others

Mr. Rajesh Naskar, Adv.

...for the Petitioner

Mr. Santanu Kumar Mitra, Sr. Govt. Adv.

Mr. Amartya Pal, Adv.

...for the State

Mr. Sunit Kumar Roy, Adv.

...for W.B.C.S.S.C.

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

Petitioner has made an application for transfer on Utsashree portal on 15th March, 2022 since wife of the petitioner is suffering from Gynaecological disorder. However, in the writ petition report furnished by the concerned Medical authority has not been annexed.

It is also submitted on behalf of respondent authorities that application made for transfer was in March, 2022 and subsequent thereto more than three years have passed and in the meantime health condition of wife of the petitioner may have improved due to constant care and treatment.

In view of rival submissions made on behalf of the parties, this Court directs District Inspector of Schools (S.E.), Murshidabad being respondent no.5 to obtain a fresh medical report from the concerned Chief Medical Officer of Health/ Medical Board on examination of wife of the petitioner by six (6) weeks from the date of

communication of this order. Concerned CMOH/ Medical Board is required to opine in the report whether nature of ailment of wife of the petitioner is such, which requires constant supervision and care or not. If medical report justifies transfer of the petitioner, respondent no.5 is directed to forward the transfer application along with medical report to the Chairman, West Bengal Central School Service Commission being respondent no.4 by fortnight thereafter. On receipt of such transfer application and medical report respondent no.4 shall decide the transfer application by four (4) weeks thereafter and the decision to be taken shall be communicated to the petitioner by fortnight thereafter.

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

With the above directions, writ petition stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)