

09.06.2025
Court No. 18
Item No. 05
(Suvendu)

WPA 9141 of 2025

Swati Pal
-Versus-

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Ms. Indrani Roy
Mr. Ankan Mondal
.....for the petitioner

Mr. Sunit Kr. Roy
.....for the WBCSSC

Mr. Tarun Kumar Ghosh
Ms. Suvasree Ghose
.....for the State

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

Petitioner made transfer application in prescribed format on the ground that son of the petitioner is suffering from Autism and Medical Board of District Hospital, Hooghly issued 'Disability Certificate' on 13th June, 2023 declaring son of the petitioner was suffering from 80% disability.

It has been pointed out by learned advocates representing respondents that disability of child of a teacher is not a ground for transfer in terms of relevant transfer rules, as a result whereof the District Inspector of Schools (SE), Howrah being

respondent no. 4 has not taken steps on transfer application of the petitioner.

On perusal of the writ petition, it appears that based on transfer application concerned school authority issued "No Objection" certificate on 22nd March, 2025 and issue is pending before respondent no. 4.

Since son of the petitioner is suffering from Autism and concerned Medical Board has declared that son of the petitioner was suffering from 80% disability respondent no. 4 is directed to obtain medical report from the concerned Chief Medical Officer of Health/ Medical Board by three weeks from the date of communication of this order. If medical report justifies transfer of the petitioner on the count that son of the petitioner requires constant care and supervision, respondent no. 4 shall forward transfer application of the petitioner along with medical report to the Chairman, West Bengal Central School Service Commission by fortnight thereafter. On receipt of transfer application and medical report, the Chairman of West Bengal Central School Service Commission shall decide the transfer application treating the same as a special case by four weeks thereafter. Decision to be taken by the Chairman of the

Commission shall be communicated to the petitioner by ten days thereafter.

Writ petition stands disposed of, without any order as to costs.

However, transfer application of the petitioner shall not be rejected on the ground of suspension of Utshasree portal.

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

(Saugata Bhattacharyya, J.)