

54 21.05.2025
rkd Ct.18

W.P.A. 9559 of 2025

Utpal Mukherjee

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra,
Mr. Debalina Chakraborty,
Ms. Pritha Biswas,
Mr. Subhadeep Maitra

....for the petitioner.

Mr. Rupak Ghosh,
Mr. Durga Bhusan Mukhopadhyay

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta,
Ms. Keya Panja

....for the WBBSE.

Mr. Sunit Kumar Roy

....for the WBCSSC.

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

Petitioner has prayed for transfer since wife
of the petitioner is suffering from gynecological
disorder.

Petitioner made an application on
Utsashree portal on 24th September, 2022 which
was forwarded by the school authority where
petitioner is presently working to the District
Inspector of Schools (SE), Murshidabad being
respondent no.5 for taking necessary steps.

It is submitted by the learned advocate for
the petitioner that wife of the petitioner was

medically examined before forwarding the transfer application on 24th November, 2022 to the West Bengal Central School Service Commission but medical report is not part of the record.

The learned advocate representing the respondents have opposed the prayer of the petitioner since transfer application was made on 24th September, 2022 and in the meantime two and half years have passed.

It is submitted that by this time health condition of the wife of the petitioner may have improved due to constant care and treatment.

Having considered the submissions made on behalf of the parties, respondent no.5 is directed to obtain medical report afresh from the concerned Chief Medical Officer of Health/Medical Board on medical examination of the wife of the petitioner by four weeks from the date of communication of this order.

In the medical certificate the concerned CMOH/Medical Board is required to opine whether nature of ailment of the wife of the petitioner is such which requires constant care and supervision.

If medical report justifies transfer of the petitioner, respondent no.5 shall forward 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 transfer application and medical report respondent no.4 shall decide the same in accordance with law by four weeks thereafter.

The decision to be taken by the respondent no.4 shall be communicated to the petitioner by fortnight thereafter.

The writ petition stands disposed of.

However, it is made clear that suspension of Utsashree portal shall not be a ground for rejecting the transfer application of the petitioner.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)