

57 21.05.2025
rkd Ct.18

W.P.A. 9572 of 2025

Ashok Ghosh

-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. Saibal Acharya,
Ms. Dipa Bhattacharya

....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 6th December, 2022 which was
forwarded by the school authority where petitioner
is presently working to the District Inspector of
Schools (SE), Nadia being respondent no.5 for
taking necessary steps.

It is submitted by the learned advocate for
the petitioner that no step was taken by the

respondent no.5 for obtaining medical report from the concerned Chief Medical Officer of Health/Medical Board on medical examination of the wife of the petitioner.

State respondents, West Bengal Board of Secondary Education and West Bengal Central Schools Service Commission are represented by learned advocates.

Since wife of the petitioner was not medically examined respondent no.5 is directed to obtain medical report 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.)