

Form No. J(2)
Item No. DL/6
ARPAN - AR (CT)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. No.10399 of 2025

Anju Gorai

Vs.

The State of West Bengal & Others

Before: The Hon'ble Justice Saugata Bhattacharyya

For the Petitioner : Mr. Shuvro Prokash Lahiri, Adv.
Mr. Rajesh Naskar, Adv.
Mr. Ankan Mondal, Adv.

For the State : Mr. Shamim Ul Bari, Adv.
Ms. Indrani Nandi, Adv.

For W.B.C.S.S.C. : Dr. Sutanu Kumar Patra, Adv.
Ms. Supriya Dubey, Adv.

Heard On : 23.05.2025, 25.06.2025 & 02.07.2025

Judgment On : 02.07.2025

Saugata Bhattacharyya, J.:

1. Matter is heard in presence of the learned advocates representing the parties.

2. Petitioner has made an application dated 23rd January, 2025 not in prescribed format seeking transfer on the ground of distance in between the present school of the petitioner and her place of residence and also on medical ground since it is stated in the application that she is suffering from cancer.

3. Since petitioner made application directly to the Chairman, West Bengal Central School Service Commission, same was forwarded to the Additional Secretary to the Government of West Bengal, School Education Department, Secondary Branch *vide* memo dated 27th February, 2025 by the Secretary-in-Charge, West Bengal Central School Service Commission.

4. However, learned advocate representing the Commission submits that Additional Secretary has no role to play in taking decision on transfer application and transfer application needs to be filed before the school authority where petitioner is presently working and same should reach the office of the West Bengal Central School Service Commission routed through the concerned District Inspector of Schools (S.E.). It is also submitted that if transfer application is made on medical ground, medical report needs to be obtained by the concerned District Inspector of Schools (S.E.) from the concerned Chief Medical Officer of Health/ Medical Board upon medical examination of the petitioner.

5. On consideration of the facts involved in this writ petition, it appears that transfer application was not made in the prescribed format. Therefore, same ought not to be considered in absence of transfer application in

prescribed format as decided by the Hon'ble Division Bench *vide* order dated 14th February, 2025 passed on an *intra-court* appeal being **FMA 103 of 2025 (Tanushri Karmakar v. State of West Bengal & Ors.)**.

6. It needs to be recorded herein that straightway if transfer application is decided by the concerned authority of the West Bengal Central School Service Commission in that event, the school authority where petitioner is presently working will be kept in dark and in order of obviate this, transfer rules prescribe that application for transfer needs to be made before the school authority where applicant teacher works and same is required to be forwarded to the concerned District Inspector of Schools (S.E.) after granting 'No Objection' by the school authority.

7. Devoid of these formalities it is found to be impermissible to direct the Chairman, West Bengal Central School Service Commission to decide transfer application of the petitioner.

8. Hence, no relief can be granted on this writ petition considering the transfer application dated 23rd January, 2025.

9. Taking note of the fact that transfer application dated 23rd January, 2025 discloses petitioner is suffering from cancer, leave is granted to the petitioner to make an application afresh seeking transfer on medical ground in prescribed format by ten (10) days from date. If transfer application is made within the aforesaid period, it is expected that school authority where petitioner is presently working as well as the concerned District Inspector of

Schools (S.E.) shall take immediate steps, in accordance with law, for expeditious disposal of the transfer application of the petitioner.

10. With the above observations and directions, writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)