

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Ct.551 **24.06.25**
Item No.29 Sws.M

WPA 11667 of 2022

Nibedita Sen
Vs
The State of West Bengal &Ors.

Mr. Sakti Pada Jana	
Mr. Subhajyoti Das	
Mrs. Sudipta Pramanik	for the petitioner
Mr. Rajat Dutta	for the State
Mr. Sourav Mitra	for the CSSC

1. Affidavit-of-service filed today be kept on record.
2. This writ petition has been filed seeking a direction upon the respondents to consider the petitioner's application for transfer on medical grounds that had been submitted through 'Utsashree' Portal on April 19, 2022 and to recommend the same considering the petitioner's gynecological problems.
3. Mr. Jana, leaned advocate appearing for the petitioner submits that although the petitioner's case for transfer was recommended by the Block Medical Officer of Health and the same was forwarded to the District Inspector of Schools (hereafter 'the DI') by the school authorities, the DI of schools has declined the petitioner's request for transfer. He submits that the rejection of the petitioner's request cannot be sustained.
4. Mr. Dutta, learned advocate appearing for the State authorities submits that upon the application for transfer being forwarded to the DI of schools, the DI in terms of the relevant rules obtained the views of the

Chief Medical Officer of Health, who upon getting the petitioner examined by a duly constituted medical board opined that the petitioner's disease was not such as would necessitate or justify transfer. In support of his contention Mr. Dutta hands up to the Court the instructions dated June 20, 2025 addressed to him by the Chief Medical Officer of Health, Uttar Dinajpur. A copy of the same is taken on record.

5. It is further submitted that the petitioner's disease is no longer there in as much as the petitioner has undergone "TOTAL ABDOMINAL HYSTERECOTOMY WITH BILATERAL SALPINGOOPHERECTOMY ON 07/06/2023".
6. In view of the aforesaid submissions of Mr. Dutta and the revelations before this Court through the aforesaid documents, the petitioner's case for transfer on medical grounds can no longer be directed to be considered by the DI. In such view of the matter, no order can be passed on this writ petition.
7. Mr. Jana, however, submits that the petitioner's application for transfer also indicated that the distance between the petitioner's residence and the school where the petitioner has been rendering services is 300 kilometers and as such the petitioner's case can be reconsidered for the purpose of transfer on the ground of distance.

8. However, since the subject matter of the present writ petition is the rejection of the petitioner's application on the ground of gynecological disorder and the challenge to the rejection of the petitioner's application for transfer on medical grounds cannot be sustained in this writ petition, the same is disposed of by leaving the petitioner free to apply afresh for transfer, if the petitioner so desires. In case such application is made, the respondent authorities should consider such application strictly in accordance with law.
9. Accordingly, WPA 11667 of 2022 stands disposed of.
10. There shall, however, be no order as to costs.
11. Since no Affidavit-in-Opposition has been invited, allegations made in the writ petition are deemed not to have been admitted by the respondents.
12. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai , J.)