

18.06.2025
SI No.14
Court No.8
(gc)

**MAT 836 of 2025
CAN 1 of 2025
CAN 2 of 2025**

**Sahanaj Khatun
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra,
Ms. Pritha Biswas,
Mr. Subhodeep Maitra

... for the Appellant.

Ms. Sabnam De Bardhan,
Ms. Susmita Biswas Chowdhury

...for the State.

Mr. Saibal Acharyya,
Mr. Tanweer J. Mandal

...for the DPSC, Chairman,
Purba Bardhaman.

Soumen Sen, J. (Oral):

Re: CAN 1 of 2025

1. This is an application for condonation of delay.
2. There is a delay of 82 days in preferring the memorandum of appeal. Sufficient cause being shown for not being able to prefer the appeal within the period of limitation. The delay of 82 days is condoned.
3. Accordingly, the application for condonation of delay is allowed and disposed of.

**Re: MAT 836 of 2025
With
CAN 2 of 2025**

4. The writ petitioner is aggrieved by the order dated 5th February, 2025. The writ petitioner is an Assistant Teacher at Kusumgram

Ashalata REJ Girls F.P Primary School. She prayed for transfer on medical ground on 27th September, 2024. However, it appears that the learned Single Judge in disposing of the writ petition has proceeded on the basis that she prayed for transfer to another school under a different circle of the Monteswar-I of Purba Bardhaman District Primary School Council on the ground that she is a surplus teacher of her present school. There is a clear error apparent on the face of the order as it is clearly revealed from her application for transfer that she made a transfer application on medical ground and she has disclosed medical/clinical reports in support of her claim. However, in the meantime, in terms of the direction passed by the learned Single Judge, the respondent no.2 has passed an order rejecting her prayer. Since the basis of the order appears to be erroneous, the order impugned is set aside.

5. We direct the respondent no.2 to consider her application for transfer on medical ground and it would be open for the respondent no.2 to call for a report from the CMOH of the district concerned.
6. The writ petitioner/appellant is directed to cooperate with the CMOH concerned if she is

called for medical examination. If it is found to be a fit case, she should be transferred forthwith.

7. The entire exercise shall be completed within eight weeks from the date of communication of this order.
8. The appeal succeeds.
9. The order under appeal as well as the order passed by the respondent no.2 on 13th June, 2025 in terms of the impugned order is set aside.
10. Accordingly, the appeal and the application are disposed of.
11. However, there shall be no order as to costs.
12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)