

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

13 03.07.2025
rkd Ct.18
Judgment

W.P.A. 13069 of 2025

Swapna Dutta (Pan)

-vs-

The State of West Bengal & Ors.

Mr. Santanu Maji,
Ms. Debrani Mandal,
Ms. Rima Banerjee

....for the petitioner.

Mr. Debajyoti Datta,
Mr. Md. Zakir Hossain

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBBSE.

Mr. Sunit Kumar Roy

....for the WBCSSC.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner made an application for transfer since she is suffering from ailment.
3. Petitioner made application for transfer in prescribed format based on which school authority where petitioner is presently working issued no objection on 17th April, 2025 and it is submitted that transfer application was forwarded to the District Inspector of Schools (SE), Bankura being respondent no.9 for taking further steps.
4. The grievance of the petitioner is in spite of receipt

of transfer application by the respondent no.9 no steps have been taken.

5. Respondents are represented by learned advocates.
6. There is nothing on record which goes to show that petitioner was medically examined since transfer application was made on medical ground.
7. In view of respective submissions made on behalf of the parties, District Inspector of Schools (SE), Bankura being respondent no.9 is directed to obtain medical report from the concerned Chief Medical Officer of Health/Medical Board on medical examination of the petitioner by four weeks from the date of communication of this order.
8. In the medical certificate CMOH/Medical Board is required to opine considering health condition of the petitioner whether she is required to avoid long distance journey or not.
9. If medical report justifies transfer of the petitioner, respondent no.9 shall forward transfer application along with medical report to the Chairman, West Bengal Central School Service Commission being respondent no.5 by fortnight thereafter.
10. On receipt of transfer application and medical report respondent no.5 shall decide the same in accordance with law by four weeks thereafter.
11. The decision to be taken by the respondent no.5

shall be communicated to the petitioner by ten days thereafter.

12. The writ petition stands disposed of.
13. However, it is made clear that suspension of Utsashree portal shall not be a ground for rejecting the transfer application of the petitioner.
14. There shall be no order as to costs.
15. 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.)