

16.06.2025
Sl. No. 54
g.b.
Court No.551

W.P.A. 14887 of 2022

Rabin Das
-Vs-
The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Ms. Haritri Roy
Mr. Ratul Ghosal
Mr. Rohit Adhikary
.....For the Petitioner
Mr. Sourav Mitra
.....For the WBCSSC

1. At the very outset, Mr. Panda, learned advocate appearing for the petitioner submits that the writ petition had earlier been dismissed by an order dated July 10, 2024. The said order of dismissal of the writ petition was assailed by the petitioner by filing an appeal being MAT 1633 of 2024 before the Hon'ble Division Bench. The said appeal was disposed of by the Hon'ble Division Bench by an order dated September 24, 2024 thereby remitting the matter back to the Single Bench with a request to take up the application and dispose of the same as expeditiously as possible after affording an opportunity of hearing to the respective parties.

A copy of the order passed in MAT 1633 of 2024 handed up by the learned advocate appearing for the petitioner is taken on record.

2. The writ petitioner complains of the writ petitioner's transfer being arbitrarily rejected by the respondent/West Bengal Central School Service Commission (in short 'WBCSSC') on the ground that certificate issued by the Chief Medical Officer of Health, South 24 Parganas (in short 'CMOH') lacks certain particulars like the name of the patient, relation with the applicant and disease suffered.

3. The writ petitioner, an assistant teacher in Kishori Mohanpur Junior High School, had applied for transfer from the said school on the ground that his wife suffers from serious gynaecological disorder/ailment. Such application was duly forwarded by the School Authorities to the relevant District Inspector of Schools who in turn forwarded it to the West Bengal Central School Service Commission (hereafter WBCSSC) together with a certificate issued by the Chief Medical Officer of Health, South 24 Parganas.

The said application has been returned by the WBCSSC to the petitioner through the District Inspector of Schools on the ground of the said certificate issued by the CMOH lacking in certain particulars as aforesaid. Hence the writ petition.

4. The learned advocate appearing for the petitioner takes this court through a “Ticket for Emergency Patient” which indicates that the “date of first visit” of Smt. Arpita Das, wife of the writ petitioner to the M. R. Bangur Hospital was May 5, 2022. The said ticket evinces that the Medical Officer (Gynaes & Obs) had recommended the case of the petitioner’s wife “for consideration”.

5. The petitioner further invites the attention of this court to the certificate issued by the CMOH certifying as follows:

“Certified that Sri, Rabin Das, male, and Asstt. Teacher attached to Kishorimohanpur Jr. High School, Sadar, South 24 parganas, appeared before medical board held on 05.05.2022 at M R Bangur District Hospital and as per recommendation of the same board; he is eligible for transfer application.”

6. The petitioner submits that despite the petitioner's case having been recommended for transfer by the CMOH, South 24 Parganas, the WBCSSC returned the petitioner's application with the following observation:

“kindly resubmit with proper CMOH certificate mentioning patient name, relation with applicant & disease.”

7. The petitioner further draws the attention of this court to another certificate issued by the same CMOH, South 24 Parganas on the same date in the name of Sri Tapu Das carrying similar certification and submits that despite there being absolute similarity in the certificate issued in the name of the petitioner as well as in the name of Sri Tapu Das, the petitioner's request for transfer has been disallowed while Sri Tapu Das's case for transfer has been considered and allowed.

8. Learned advocate appearing for the WBCSSC submits that a reading of the certificate of the Chief Medical Officer of Health, South 24 Parganas indicates that the same has been issued on the examination of the petitioner and

not his wife inasmuch as the said certificate does not reveal that the writ petitioner's wife appeared before the Medical Board on May 05, 2022.

9. It is further submitted by the said learned advocate that WBCSSC has returned the petitioner's application requesting for a proper certificate inasmuch as the discrepancy in the certificate issued by the CMOH could in no way be resolved by the WBCSSC.

10. The petitioner had applied for transfer as far back as on April 29, 2022. More than 3 three years have already passed since the date of the application.

11. In such view of the matter, there will be no use keeping the writ petition pending and directing exchange of affidavits at this distance in time. Since the only ground on which the petitioner's application for transfer was rejected is the perceived impropriety in the certificate issued by the CMOH, South 24 Parganas, inasmuch as, the same did not contain the patient's name, relationship with the applicant and disease, it would be proper to remit the matter back to the

Chief Medical Officer of Health, South 24 Parganas. The petitioner shall approach the CMOH, South 24 Parganas within two weeks from date for the purpose of getting his wife examined by the CMOH, South 24 Parganas. The said CMOH shall then medically examine the petitioner's wife and issue necessary certificate clearly indicating the present health condition of the petitioner's wife so that the concerned District Inspector of Schools and the WBCSSC may form an opinion on the petitioner's application for transfer. The CMOH, South 24 Parganas is requested to complete such examination within a period of two weeks from the date the petitioner's wife presents herself for medical examination.

12. The CMOH shall forthwith thereafter, forward the said certificate to the District Inspector of Schools and shall also give a copy thereof to the writ petitioner. The District Inspector of Schools shall in turn forward the same to the WBCSSC and the WBCSSC shall thereupon take a decision on the petitioner's application for transfer dated April 29, 2022 in the light of the

fresh certificate that will be issued by the CMOH within a period of two weeks from the date of receipt of such certificate.

With the above observation WPA 14887 of 2022 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Om Narayan Rai, J.)