

**09.09.2025**  
Court No. 18  
Item No.06  
(Suvendu)

**WPA 15307 of 2025**

Bivas Kumar Malik  
-Versus-

The State of West Bengal & Ors.

Ms. Cardina Roy  
Mr. Mridul Biswas  
.....for the petitioner

Ms. Nilanjana Banerjee  
Mr. Krishna Pada Santra  
.....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. In terms of order dated 14<sup>th</sup> August, 2025, report dated 3<sup>rd</sup> September, 2025 is filed by the District Inspector of Schools (SE), Paschim Medinipur being respondent no. 9 and same is taken on record.
3. On perusal of report dated 3<sup>rd</sup> September, 2025, it appears that in spite of making effort to find out medical certificate which was obtained based on previous transfer application of the petitioner dated 6<sup>th</sup> October, 2021 same was

found not available on record maintained in the office of respondent no. 9.

4. Learned advocate representing the petitioner submits that presently petitioner is suffering from different ailment, therefore, petitioner is required to be medically examined again since an off-line application has been made on 21<sup>st</sup> March, 2025 and concerned school authority has issued 'no objection' on 26<sup>th</sup> March, 2025.

5. According to the petitioner, previous medical report if found that may not be considered as relevant since petitioner has made off-line transfer application dated 21<sup>st</sup> March, 2025 as he is suffering from different ailment. It is also found that the Managing Committee of the school where petitioner is presently working by resolution dated 26<sup>th</sup> March, 2025 decided to permit the petitioner to take transfer on medical ground. Therefore, Teacher-in-Charge of Shyamchandpur Sitaram Jew Vidyamandir (HS), Paschim Medinipur being respondent no. 10 is directed to forward off-line transfer application of the petitioner dated 21<sup>st</sup> March, 2025 to respondent no. 9 by fortnight from date of communication of this order, if till date same is not forwarded.

6. On receipt of transfer application, respondent no. 9 shall obtain report on medical examination of the petitioner from concerned Chief Medical Officer of Health/ Medical Board by three weeks thereafter. In the medical report concerned Chief Medical Officer of Health/ Medical Board is required to opine considering present health condition of the petitioner whether petitioner is required to avoid long distance journey or not. If medical report justifies transfer of the petitioner, transfer application along with medical report shall be forwarded to the Secretary of West Bengal Central School Service Commission being respondent no. 5 by fortnight thereafter. On receipt of transfer application and medical report, respondent no. 5 shall decide the same in accordance with law by four weeks thereafter. Decision to be taken by respondent no. 5 shall be communicated to the petitioner by fortnight thereafter.

7. However, transfer application of the petitioner shall not be rejected on the ground of suspension of Utshasree portal.

8. Writ petition stands disposed of.

9. There shall be, however, no order as to costs.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

**(Saugata Bhattacharyya, J.)**