

29.07.2025.
25
Ct.No.7.
as

WPA 17779 of 2022

Pallab Karmakar
Vs.
The State of West Bengal & Ors.

Mr. Ujjal Ray,
Mr. Binit Kumar.
... for the Petitioner.

Mr. Rajarshi Basu,
Mr. K. M. Hossain.
...for the State.

Mr. Sarwar Jahan,
Sk. Nayeemul Haque.
....for the Respondent No.10.

1. Affidavit-in-opposition filed by the respondent No.10 and reply thereto, filed by the petitioner are taken on record.
2. The present writ petition has been filed praying for the issuance of a writ in the nature of mandamus, directing the concerned school authority to forward the petitioner's application for transfer on medical grounds to the concerned District Inspector of Schools (SE).
3. Mr. Roy, learned Advocate appearing on behalf of the petitioner, submits that the petitioner is presently serving as the Head of the Institution. He further submits that the petitioner had initially submitted a transfer application on medical grounds through the 'Utsashree Online Portal', along with the requisite documents. The application was supported by a medical opinion issued by the Block Medical Officer of Health, indicating that the petitioner's wife is suffering from a serious gynecological disorder. However, despite receiving the

application and supporting documents, the concerned school authority failed to take any further steps.

4. He submits that the school is a Junior High School with no Managing Committee, and it is currently being administered by an Ad-hoc Committee headed by the Sub-Inspector of Schools. The petitioner approached the said Sub-Inspector with a request to forward his application for transfer on medical ground to the District Inspector of Schools. However, the Sub-Inspector declined to do so.

5. Mr. Roy draws my attention to certain documents and contends that, although the Sub-Inspector of Schools forwarded a similar application submitted by a similarly situated Assistant Teacher of another school, he has refused to do so in the petitioner's case, amounting to hostile discrimination.

6. He further submits that the respondents have taken a stand that, due to the existing pupil-teacher ratio at the petitioner's school, his application for transfer could not be entertained. Mr. Roy refers to a notification dated 8th September, 2021 issued by the Secretary, School Education Department, Government of West Bengal, particularly the substituted provisions of Rule 4(a) and 6(e) of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 (hereinafter referred to as 'the 2015 Rules'). He submits that, under the amended rules, an incumbent may apply online through the designated portal for transfer on the ground that he/she or his/her son, daughter, or spouse is suffering from

any malignant disease or other serious medical condition, including serious gynecological disorders. Referring to the amended provision of Rule 6(2)(e) of the 2015 Rules, he contends that in cases of transfer applications submitted on medical grounds, the bar imposed upon the Managing Committee for not forwarding the application due to pupil-teacher ratio shall not apply. He relies on an unreported decision rendered by the Hon'ble Division Bench of this Court in FMA 1385 of 2024 with CAN 1 of 2025 (*Sumatinagar Sarat Kumar High School & Anr. Vs. Manasi Sarder & Ors.*), and submits that the Division Bench has held that once statutory rules framed by the State Government lay down exhaustive provisions regarding transfers, the roles and responsibilities defined therein must be strictly adhered to and cannot be bypassed or violated. Accordingly, he submits that when a transfer application is made on medical grounds, the school authority cannot refuse to forward it to the competent authority on the ground of pupil-teacher ratio. He, therefore, prays for a direction upon the competent authority to consider the petitioner's transfer application on medical grounds.

7. Mr. Jahan, learned Advocate appearing on behalf of the Member Secretary of the Ad-hoc Committee of the School, submits that the petitioner played a dual role. He, as an applicant, uploaded his own application for transfer, and also, in his capacity as the Head of the Institution, processed the same and even returned it to himself with certain remarks. He contends that the petitioner, being the Head of the Institution and having access to the portal, cannot be permitted to upload

and process his own transfer application. He further submits that the petitioner was required to submit the said application before the Ad-hoc Managing Committee of the School. If the Ad-hoc Committee, upon scrutiny, finds that the transfer application made on medical grounds by the Head of the Institution is justified, only then it may be forwarded to the competent authority. However, during the course of the hearing, Mr. Jahan submits that if liberty is granted to the petitioner to make an offline application directly to the District Inspector of Schools, and if the District Inspector of Schools is directed to consider the same in accordance with law, then the Secretary of the Ad-hoc Committee shall not raise any objection or stand in the way of such consideration.

8. Mr. Basu, learned Advocate appearing for the State, duly assisted by Mr. Hossain, concurs with the submissions made by Mr. Jahan. He submits that if the petitioner is granted liberty to submit an offline application to the District Inspector of Schools along with recent medical documents, and if the District Inspector of Schools finds that the petitioner's prayer merits acceptance, then appropriate steps shall be taken by the District Inspector of Schools in accordance with law.

9. Having heard the learned Advocates appearing for the respective parties and upon perusal of the materials on record, particularly noting the stand taken by the Member Secretary of the Ad-hoc Committee and the State, the present writ petition is disposed of with liberty granted to the petitioner to submit an offline application, along with recent medical documents,

to the District Inspector of Schools (SE), Murshidabad. Upon receipt of such application, the District Inspector of Schools shall obtain the opinion of the Chief Medical Officer of Health to ascertain whether the petitioner's spouse is suffering from such a serious gynecological disorder that would justify accepting the petitioner's prayer for transfer on medical grounds.

10. Needless to state, if upon verification the District Inspector of Schools finds merit in the petitioner's claim for transfer on medical grounds, appropriate follow-up action shall be taken in accordance with law. If, however, the District Inspector of Schools finds that the petitioner's claim lacks substance, a reasoned order shall be passed and communicated to the petitioner. The entire exercise shall be completed within a period of eight weeks from the date of receipt of the petitioner's application.

11. With this observation, the writ petition is disposed of.

12. There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)