

04.09.2025
Court No. 18
Item No.28
(Suvendu)

WPA 17711 of 2025

Sk. Sakir Hossain
-Versus-

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal
.....for the petitioner

Mr. Biswajit De
Mr. Swapan Kumar Chatterjee
.....for the State

Mr. Sourav Mitra
.....for the WBCSSC

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Matter relates to transfer of the petitioner since wife of the petitioner is suffering from gynecological disorder. Transfer application was made on portal far back on 9th August, 2022 and same was considered by the District Inspector of Schools (SE), Paschim Medinipur being respondent no. 5 and thereafter it was forwarded to West Bengal Central School Service Commission (for short, "Commission"). However, medical report based on which respondent no. 5 took steps on 29th September, 2022 is not on record.

3. Learned advocates representing the respondents have jointly submitted that after preferring transfer application on 9th August, 2022 three years have passed. It is contended due to constant care and treatment health condition of wife of the petitioner may have improved requiring medical examination of wife of the petitioner afresh.

4. Learned advocate representing the petitioner submits that wife of the petitioner is ready to be medically examined again by medical expert.

5. Having considered the submissions made on behalf of the parties, respondent no. 5 is directed to obtain report on medical examination of wife of the petitioner from concerned Chief Medical Officer of Health/ Medical Board by three weeks from date of communication of this order. In the medical report concerned Chief Medical Officer of Health/ Medical Board is required to opine considering present health condition of wife of the petitioner whether she requires constant care and treatment or not. If medical report justifies transfer of the petitioner, transfer application along with medical report shall be forwarded to the Chairman of the Commission being respondent no. 4 by fortnight thereafter. On

receipt of transfer application and medical report, respondent no. 4 shall decide the same in accordance with law by eight weeks thereafter. Decision to be taken by respondent no. 4 shall be communicated to the petitioner by ten days thereafter.

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

7. Writ petition stands disposed of.

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

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

(Saugata Bhattacharyya, J.)