

MI- 14.01.2025
244 Ct.18
rkd

W.P.A. 23734 of 2023

Madhumita Sarkar

-vs-

The State of West Bengal & Ors.

Mr. Shuvro Prakash Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal

....for the petitioner.

Mr. Shamim ul Bari

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta,
Ms. Keya Panja

....for the WBBSE.

Mr. Sunit Kumar Roy

....for the WBCSSC.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Petitioner has made an application for transfer
offline on 12th September, 2023 on the ground that she
was undergoing IVF treatment at Apollo Fertility Clinic
in Kolkata in order to conceive again.

It is also submitted in the application for
transfer that petitioner is having a daughter. Reliance
is placed on medical documents which are appended
to this writ petition from page 48 onwards in order to
demonstrate before this Court in support of the
treatment which petitioner is undergoing. Petitioner
prays for direction upon the concerned respondent
authorities to consider her application for transfer

which was made on offline mode.

Learned advocates representing West Bengal Central School Service Commission as well as State respondents have opposed the prayer of the petitioner on the strength of amended Rule 4(a) to Rule 4(e) in notification dated 8th September, 2021.

According to the respondent authorities ground shown for transfer of the petitioner cannot transform the transfer application as an application made on special ground.

Having considered the submissions made on behalf of the parties and in order to find out the possibility of giving direction upon the concerned respondent authorities to consider petitioner's application for transfer this Court is required to rely upon amended Rule 4(a) to Rule 4(e) as contained in notification dated 8th September, 2021.

Rule 4(a) prescribes specific diseases and if applicant teacher or his/her son/daughter/spouse is suffering from such diseases in that event applicant teacher can be transferred on special ground. Other grounds provided under amended Rule 4(b) to Rule 4(e) do not come in aid of the petitioner. In the instant case petitioner is undergoing IVF treatment for conceiving for the second time does not attract amended Rule 4(a).

Hence, the writ petition stands dismissed.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)