

Item-
17. 14-05-2025

FMA 1273 of 2024
CAN 1 of 2025

sg

Ct. 8

Debyani Nandi
Vs.
The State of West Bengal & Ors.

Mr. Rudrajyoti Bhattacharjee
Ms. Sayani Roy Chowdhury
Ms. Debjani Ghosal
Ms. Biswadeepa Mondal
...for the appellant
Mr. Sunit Kr. Roy
...for the SSC

1. The appeal is arising out of an order dated 21st August, 2024 passed by the learned Single Judge in a writ petition.
2. We have heard the learned Counsel for the parties.
3. In view of the communication dated 7th September, 2022 from District Inspector of Schools (S.E.), South 24 Parganas to the Commissioner of School Education Department, West Bengal, in which the District Inspector of Schools (S.E.), South 24 Parganas has forwarded a mail received from the Grievance Cell, West Bengal, on 4th August, 2022 with regard to the transfer application of the writ petitioner seeking instruction from the Commissioner of School Education, West Bengal and to consider the said application in accordance with law.
4. The learned Single Judge appears to have overlooked this communication dated 7th September, 2022 in deciding the matter. Insofar as, whether the writ petitioner was able to make out any special case for transfer on medical ground

or otherwise, we are of the view, that this has to be decided by the appropriate authority conversant with the matter upon consideration of the medical record whether it is a fit prayer for transfer on medical ground.

5. On such consideration, we allow the appeal and set aside the impugned order.
6. We direct the Commissioner of School Education Department, West Bengal to consider the mail received on 4th August, 2022 and the communicated dated 7th September, 2022 from the District Inspector of Schools (S.E.), South 24 Parganas to the Commissioner of the School Education Department, West Bengal after giving an opportunity of hearing to the writ petitioner/appellant, the Headmaster of Rashmoni Balika Vidyalaya (H.S.) and the District Inspector of Schools (S.E.), South 24 Parganas, within a period of eight weeks from the date of communication of this order.
7. The Commissioner of School Education Department, West Bengal, shall dispose of the prayer of the appellant in accordance with law by passing a reasoned order which shall be communicated to the authorities within a period of fortnight from the date of the reasoned order.
8. In view of the fact that the State is not represented, let copy of this order shall directly be communicated to the Secretary, Education Department and the said School for information and compliance.
9. With the aforesaid directions, the appeal and the application are disposed of. However, there shall be no

order as to costs.

10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Smita Das De, J.)