

19.03.2025
Item No.4, DL
Court No.19
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 26801 of 2024

Rina Pal

-Vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra.
....for the petitioner.

Mr. Suman Dey,
Ms. Kalpita Paul.
....for the State.

Mr. Nayeemul Hoque,
Ms. Tapati Sarkar.
...for the DPSC, Murshidabad.

In the order dated February 11, 2025 due to typographical error the name of Ms. Tamima Nasrin has gone down erroneously as the learned Advocate for the State, the said name be deleted.

Other portion(s) of the said order shall remain unaltered.

Department is directed to carry out the necessary correction in the manner as indicated above in the said order as well as in the certified copy of the said order, if already supplied to the parties, upon production of the same.

The petitioner is an Assistant Teacher at Raghunathpur Purbapara G.S.F.P. School, a school under Domkol Circle of the Murshidabad District Primary School Council ('the Council' in short).

The petitioner is praying transfer to any school near to her residence under the same Council on the ground that she is suffering from serious type of Gynecological disorder.

In terms of Rule 3(a)(f) of the West Bengal Primary Education (Transfer of Teachers including Head Teachers) Rules, 2002 as amended up to 2021, this Court, by an order dated February 19, 2025, had directed the Council to arrange for medical examination of the petitioner by the Chief Medical Officer of Health of the district.

Learned Advocate for the Council files a report dated March 17, 2025 of the Chairman of the Council, the respondent no.3 herein with the medical report of the Medical Superintendent-cum-Vice Principal of Murshidabad Medical College & Hospital, Berhampore, Murshidabad.

It appears from the said report that the medical examination of the petitioner was conducted on March 10, 2025. On such medical examination, it has been detected that the petitioner is suffering from gynecological disorder (Adenomyosis). USG reveals bulky uterus with Heterogeneous myometrial, left ovary contains a simple cyst. It is suggested that she needs medical check-up and management accordingly.

The Rule mandates that a teacher is entitled to apply for transfer if she suffers from serious gynecological disorder.

The petitioner is not suffering from serious gynecological disorder; as such, the prayer of the petitioner for transfer is refused, accordingly. WPA 26801 of 2024 is dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)