

WPA 26829 of 2024

**Sunita Nandan
Vs.
The State of West Bengal & Ors.**

Mr. Shuvro P. Lahiri
Mr. Rajesh Naskar

... .. for the Petitioner

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

... .. for the WBBPE

Mr. Bhaskar Prasad Vaisya
Mr. Gourav Das

... .. for the DPSC, South 24 Parganas

Learned counsel appearing for the petitioner submits that the son of the petitioner is suffering from Intellectual Disability with moderate Autism and a certificate to that effect has already been issued by the Department of Health and Family Welfare, Government of West Bengal, appearing at page no.48 of the writ petition. The petitioner made a transfer application on the ground that her son is suffering from Autism and the said application has also been considered by the Chief Medical Officer of Health, Diamond Harbour Health District, who prescribed her transfer on medical ground, noting that as her child is suffering from epilepsy & aggressive behavior and is undergoing treatment for such condition.

It has been pointed out by the learned counsel appearing for the Petitioner that the

certificate issued by the Chief Medical Officer of Health, Diamond Harbour Health District has not been forwarded by the District Primary School Counsel, South 24 Parganas to the West Bengal Board of Primary Education and that said Board is required to consider the issue of the petitioner's transfer.

Since the son of the petitioner is suffering from Autism and the concerned Chief Medical Officer of Health, Diamond Harbour Health District has already issued the certificate of disability, the Secretary, West Bengal Board of Primary Education being the respondent no.4 in the instant application is requested to consider the certificate issued by the Chief Medical Officer of Health, Diamond Harbour Health District sympathetically while disposing of the application made by the petitioner regarding her inter-district transfer. The said application shall be considered by the respondent no.4 within 10 weeks from date after giving an opportunity of hearing to the petitioner and allowing the petitioner to produce necessary documents at the time of hearing. Needless to say, the order to be passed by the respondent no.4 must be communicated to the petitioner within 15 days from the date of passing of the order.

Here, it will not be out of place to mention that District Primary School Counsel, South 24

Parganas will place the report passed by Chief Medical Officer of Health, Diamond Harbour Health District to the Secretary, West Bengal Board of Primary Education at an earliest.

The Writ petition being WPA 26829 of 2024 is accordingly disposed of.

There will be no order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)