

W.P.A. 27321 of 2024

**Sunanda Pattanayak Sahoo
Vs.
The State of West Bengal & Ors.**

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal

...for the Petitioner

Mr. Sunit Kumar Roy

...for W.B.C.S.S.C

In terms of the order dated 25th November, 2024, notice has been served upon the learned advocate representing the State respondents on 29th November, 2024. Notice dated 29th November, 2024 is taken on record. In spite of service of notice upon the learned advocate representing the State respondents, State is not represented.

There is urgency in the matter since daughter of the petitioner is suffering from cerebral palsy and there is disability to the extent of 60 per cent which require immediate steps to be taken based on transfer application made by the petitioner who is presently working as an Assistant Teacher in a school.

An application for transfer was made on Utsashree portal on 10th August, 2021. The same was subsequently sent back by the concerned District Inspector of Schools (S.E.) being respondent no.5 since no medical certificate was furnished by the school authority where petitioner is presently serving.

Whether daughter of the petitioner is suffering from cerebral palsy or not could have been ascertained on medical verification of the daughter of the petitioner upon forwarding the issue to the concerned Chief Medical Officer of Health by the respondent no.5, which has not been done in the present case.

Hence, respondent no.5 is directed to obtain medical report from concerned Chief Medical Officer of Health on medical verification of daughter of the petitioner by three (3) weeks from the date of communication of this order. If medical report justifies transfer of the petitioner, transfer application and medical report shall be forwarded to the West Bengal Central School Service Commission by fortnight thereafter. The Chairman, West Bengal Central School Service Commission being respondent no.4 is directed to decide the transfer application of the petitioner by four (4) weeks from the date of receipt of papers from respondent no.5 and the decision to be taken shall be communicated to the petitioner by ten (10) days thereafter.

It is clarified that transfer application of the petitioner shall not be rejected on the ground of suspension of portal.

Since, cerebral palsy is not a specified disease under the relevant provisions of transfer rules, as a

special case decision to be taken by respondent no.4 for transferring the petitioner, in the event medical report corroborates that daughter of the petitioner is suffering from cerebral palsy and there is disability to the extent of 60 per cent.

With the above directions, writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)