

ML 121
20.02.2025
Ct. No. 18
adeb

W.P.A. 26190 of 2023

**Hasina Khatun
Vs.
The State of West Bengal & Ors.**

Mr. Shuvro Prakash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal
...for the petitioner

Mr. Sailendra Nath Chakraborty
Ms. Sukanya Datta
...for the State

Mr. Sourav Mitra
...for the WBCSSC
Ms. Koyeli Bhattacharyya
...for the Board

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

Petitioner made an application for transfer
on offline mode which was forwarded to the
concerned respondent authorities for taking
decision excluding the authority of Rasa
Rajlakshmi High School (H.S.), Birbhum. On
perusal of the transfer application it appears that
petitioner is suffering from Stress Incontinence
and frequent episodes of Urinary Infection. Apart
from suffering of the petitioner from the aforesaid
disease there was dissolution of marriage on 20th
May, 2022 and being only earning member in the
family she is facing difficulty to look after her
child and family members as well as attending

school which situates far away from the residence of the petitioner.

Since petitioner is a divorced lady suffering from ailment as explained in her application which is corroborated by a medical document dated 25th February, 2022 which is at page 28 of the writ petition, as a special case petitioner is granted leave to make an offline application before the authority of Rasa Rajlakshmi High School (HS), Birbhum by 7(seven) days from date. If such transfer application is made within the aforesaid time on receipt of same the school authority shall forward the same to the District Inspector of Schools (SE) Birbhum being respondent no. 5 by 7 (seven) days thereafter. On receipt of transfer application respondent no. 5 shall obtain a medical report from the concerned Chief Medical Officer of Health. While furnishing medical report CMOH shall indicate whether petitioner finds it difficult to attend school which is far away from her place of residence. If medical report justifies transfer of the petitioner irrespective of the fact that the disease is not specified under the relevant Transfer Rules, the respondent no. 5 shall forward the same to the West Bengal Central School Service Commission by 7 (seven) days from the date of receiving medical report from the concerned CMOH. In any

event the respondent no. 5 shall complete the aforesaid exercise by 4 (four) weeks from the date of receipt of transfer application from the school authority.

In the event transfer application along with medical report are forwarded to the West Bengal Central School Service Commission the Chairman, West Bengal Central School Service Commission shall decide the same by 4 (four) weeks thereafter and the decision to be communicated to the petitioner by 1 (one) week thereafter.

Transfer application of the petitioner shall not be rejected on the ground of suspension of portal.

Leave is granted to the learned advocate for the petitioner to amend the cause title and add Chairman, West Bengal Central School Service Commission as additional respondent.

However, service of notice upon additional respondent stands dispensed with since Commission is represented by learned advocate.

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.)