

W.P.A. 28379 of 2024

**Apurba Pathak
Vs.
The State of West Bengal & Ors.**

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome
Ms. Sampriti Saha
Ms. Swati Dey

...for the Petitioner

Mr. Nara Narayan Ganguly

...for the State

Mr. Kanak Kiran Bandyopadhyay

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

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta

...for W.B.B.S.E

In terms of the order dated 2nd January, 2025 a report dated 20th January, 2025 is furnished on behalf of District Inspector of Schools (S.E.), Nadia being respondent no.8 and same is taken on record.

On perusal of the report, it appears that on 4th January, 2023 Medical Board of District Hospital, Nadia only stated on examining the petitioner that she was gynaecologically unfit. Severity of the disease and whether petitioner is required to avoid long distance journey to attend the school was not certified in the said medical report.

It needs to be stated herein that on 1st September, 2022 on medical examination of the petitioner, one report was prepared as it appears from page 43 of the writ petition based on which petitioner

was found not eligible for transfer. Subsequent report dated 4th January, 2023 is also found to be vague.

Since application of the petitioner seeking transfer on medical ground is pending before the District Inspector of Schools (S.E.), Nadia being respondent no.8, respondent no.8 is directed to obtain fresh medical report from the concerned medical authority by four (4) weeks from the date of communication of this order. In the report, medical authority is required to certify severity of the disease and whether petitioner is required to avoid long distance journey or not. Such medical verification shall be made under the supervision of an Assistant Inspector of Schools who is to be deputed by respondent no.8.

If fresh medical report which is to be furnished by the medical authority justifies transfer of the petitioner, transfer application along with medical report shall be forwarded to the West Bengal Central School Service Commission for taking final decision by seven (7) days thereafter. On receipt of transfer application and medical report, Chairman, West Bengal Central School Service Commission being respondent no.5 shall decide the transfer application finally by four (4) weeks thereafter and the decision shall be communicated to the petitioner by one (1) week thereafter.

It is made clear that suspension of portal shall not be a ground to reject transfer application of the petitioner.

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.)