

71 28.02.2025
rkd Ct.18

W.P.A. 28726 of 2024

Snehasish Dutta

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra,
Mr. Debalina Chakraborty

....for the petitioner.

Ms. Jyotsna Roy Mukherjee,

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta,
Ms. Keya Panja

....for the WBBSE.

Mr. Sunit Kumar Roy

....for the WBCSSC.

In terms of the order dated 2nd January, 2025 on behalf of the District Inspector of Schools (SE), Bankura being respondent no.4 a report in the form of affidavit affirmed on 15th January, 2025 is filed today and same is taken on record.

From the said report, it appears that no medical report is available in the office of the respondent no.4 in connection with transfer application made by the petitioner on the ground that wife of the petitioner is suffering from gynecological disorder.

However, it appears that an application for transfer on medical ground was preferred on Utsashree portal on 8th January, 2022. Based on

which no decision could be taken by the concerned authority of the West Bengal Central School Service Commission since transfer application on medical ground was not accompanying medical report of the concerned medical authority. Ultimately, transfer application was sent back to the petitioner on 9th May, 2022 as it appears from a document at page 25 of the writ petition.

The school authority where the petitioner is presently working is directed to forward the transfer application of the petitioner in offline mode to the respondent no.4 by seven days from the date of communication of this order.

On receipt of transfer application respondent no.4 shall obtain medical report from the concerned medical authority on examination of the wife of the petitioner by three weeks from the date of receipt of transfer application from the school of the petitioner.

In the report medical authority is required to disclose nature of disease and severity of the same and whether petitioner is advised to avoid long distance journey to attend the school for constant care of his wife.

If medical report justifies transfer of the petitioner same shall be forwarded along with

transfer application to the Chairman, West Bengal Central School Service Commission by fortnight thereafter.

On receipt of transfer application and medical report Chairman of the West Bengal Central School Service Commission shall decide the same in accordance with law by four weeks thereafter.

The decision to be taken by the Chairman shall be communicated to the petitioner by ten days thereafter.

However, it is made clear that suspension of Utsashree portal shall not be a ground for rejecting the transfer application of the petitioner.

The writ petition stands disposed of.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)