

W.P.A. 27522 of 2023

**Imran Mollah
Vs.
The State of West Bengal & Ors.**

Mr. Ujjal Roy
Mr. Abdur Rahim
...for the petitioner
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
...for the State
Mr. Sunit Kumar Roy
...for the SSC

In terms of the order dated 12th March, 2025 District Inspector of Schools (SE) North 24 Parganas, Barasat and District Inspector of Schools (SE) North 24 Parganas, Barrackpore have filed two separate reports dated 20th March, 2025 and 13th March, 2025 and same are taken on record. In reference to paragraph 4 of the report filed by the Commissioner of School Education, West Bengal there were vacancies of Assistant Teacher in English in six schools and in terms of the report submitted by the two District Inspectors of Schools (SE) it appears that out of those six schools in some of the schools vacancy of Assistant Teacher in English are still available. As per report of the District Inspector of Schools (SE) North 24 Parganas Barasat dated 20th March, 2025 in Rajarhat Sikshaniketan (HS),

North 24 Parganas vacancy of Assistant Teacher in English under pass category is available and on behalf of the petitioner it is submitted that petitioner is willing to be transferred to the said post since son of the petitioner is suffering from autism and there is intellectual disability to the extent of 60%. In support of such submission disability certificate issued by the District Hospital, Basirhat dated 27th September, 2023 which is at page 46 of the writ petition is relied upon.

Prima facie on perusal of disability certificate dated 27th September, 2023 it appears that the son is in need of constant care, supervision and treatment for which petitioner's transfer is necessary.

Since application of the petitioner seeking transfer dated 10th October, 2023 was not made in prescribed proforma leave is granted to the petitioner to make an application in prescribed proforma by 7 (seven) days from date. On receipt of transfer application authorities of Bitahari K.P. High School (HS), North 24 Parganas being respondent nos. 6 and 7 are directed to issue 'no objection certificate' by 7 (seven) days thereafter and forward the transfer application in offline mode to the District Inspector of Schools (SE)

North 24 Parganas being respondent no. 5 within the aforesaid stipulated period. On receipt of transfer application respondent no. 5 shall obtain medical report on examination of the son of the petitioner from the concerned CMOH by 2 (two) weeks thereafter. If medical report justifies transfer of the petitioner respondent no. 5 shall forward the transfer application along with medical report to the Chairman, West Bengal Central School Service Commission being respondent no. 3 by 7 (seven) days thereafter. On receipt of transfer application and medical report Chairman, West Bengal Central School Service Commission shall decide the same by 7 (seven) days thereafter as a special case as enumerated above. If petitioner is found to be eligible for transfer he shall be transferred to Rajarhat Sikshaniketan (HS), Vill-Bhatenda, Post-Rajarhat, District-North 24 Parganas since the District Inspector of Schools (SE), North 24 Parganas has submitted a report dated 20th March, 2025 stating that the vacancy of Assistant Teacher in English (pass) is lying.

Transfer application of the petitioner shall not be rejected on the ground that Utsashree Portal is suspended.

State respondents including District Inspector of Schools (SE) North 24 Parganas Barasat are directed to keep the post of Assistant Teacher in English (pass) vacant in Rajarhat Sikshaniketan (HS), North 24 Parganas for a period of 4 (four) months from this date.

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.)