

Form No.J(2)
Serial No.34
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**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**Present :
The Hon'ble Justice Aniruddha Roy**

WPA 1697 OF 2025

Lakshmi Das @ Lakshmi Das (Bhagat)

Vs.

The State of West Bengal & Ors.

For the Petitioner : Mr. Sanjay Mazoomdar, Adv. (VC)
Ms. Sukanya Adhikary, Adv.

For the Respondents/
State : Mr. Anirban Banerjee, Adv.
Mr. Kumar Shantanu, Adv.

For the Respondents/
SSC : Mr. Sunit Kumar Roy, Adv. (VC)

Heard on : September 2, 2025

Judgment on : September 2, 2025

Aniruddha Roy, J. :

1. Affidavit-of-service, filed in Court today, is taken on record.
2. Mr. Sanjay Mazoomdar, learned Advocate appears through virtual mode for the petitioner with Ms. Sukanya Adhikary, learned Advocate appearing physically.

3. Mr. Anirban Banerjee, learned Advocate with Mr. Kumar Shantanu, learned Advocate appears for the respondents State.
4. Mr. Sunit Kumar Roy, learned Advocate appears through virtual mode for the respondent nos. 3 and 4/ West Bengal Central School Service Commission.
5. The petitioner as a **Group – D** staff of the State requesting ***intra district transfer on medical ground***. The petitioner has submitted her application dated ***July 7, 2025, Annexure-P7 at page 22*** to the writ petition. The same is pending.
6. Mr. Sunit Kumar Roy, learned Advocate appearing for the West Bengal Central School Service Commission submits that, the petitioner has to file her application through the approved and prescribed format and then only the same can be considered following the due process of law.
7. Accordingly, the following directions are made :
 - a) The petitioner shall submit her application in a prescribed and approved format before the school authority positively within a period of ***two weeks*** from date;
 - b) The school authority then shall cause the medical examination through the ***B.M.O.H.*** positively within a period of ***two weeks*** from the date of receiving the said application from the petitioner and the ***B.M.O.H.*** shall give its report positively

within a further period of **two weeks** from the date of medical examination to the school authority;

- c) After receiving the medical report from the **B.M.O.H.**, the school authority shall forward the same along with all other necessary records to the jurisdictional D.I. positively within a period of **two weeks** from the date of receiving the medical report from the **B.M.O.H.**;
- d) The jurisdictional D.I. then shall transmit the record positively within **a week** from date of receiving the same from the school authority to the **C.M.O.H.**;
- e) The **C.M.O.H.** then shall cause the necessary further medical inquiry and examination and send its report to the jurisdictional D.I. positively within a period of **three weeks** from the date of receiving the record from the D.I.;
- f) In the event, the report of the **C.M.O.H.** is in favour of transfer of the petitioner, the jurisdictional D.I. after receiving the same from the **C.M.O.H.** shall transmit the same to the Secretary, Central School Service Commission

positively within a period of **two weeks** from the date of receipt of the medical report from the **C.M.O.H.;**

- g) The Secretary, Central School Service Commission then shall take the decision and take all necessary and consequential steps for transfer of the petitioner but positively within a period of **three weeks** from the date of receiving the record from the jurisdictional D.I.;
- h) After compliance of all the formalities, the petitioner shall be allowed to join at the transferred school. In the event the decision of the Secretary, Central School Service Commission goes in favour of transfer of the petitioner, the transfer shall be effected but positively within a period of **four weeks** from the decision to be taken by the Secretary, Central School Service Commission and the petitioner shall be allowed to join at the transferred school upon receiving the transfer order from the West Bengal Board of Secondary Education.

8. In the event the petitioner is found not to be eligible for transfer by the appropriate authority, the entire process shall be dropped at that stage

and the reasons shall be intimated to the petitioner in writing but positively within **two weeks** from the date of such decision to be taken by such appropriate authority.

9. It is made clear that, this order shall not create any right or equity in favour of the petitioner, in the event the petitioner does not succeed to her claim before any of the authorities, as referred to above, strictly in accordance with law.
10. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
11. With the above observations and directions this writ petition, **WPA 1697 of 2025** stands disposed of, without any order as to costs.
12. Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)