

D/L-12
09.01.2025
Court. No. 3
Aritra

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

WPA 2658 of 2024

**Bina Barman
Vs.
The State of West Bengal & Ors.**

Mr. Debjit Kundu
....for the petitioner

Mr. Sunit Kumar Roy (VC)
Mr. Subhasish Misra
....for the SSC

Mr. Subir Kumar Saha, Ld. AGP
Mr. Sandip Guha Roy
....for the State

1. By filing the instant writ petition the writ petitioner prayed for issuance of appropriate writ for considering her application for general transfer on medical ground as submitted by her on 12/09/2024 and 25/03/2022.
2. In course of his submission Mr. Kundu, learned advocate for the writ petitioner at the very outset draws attention of this Court to page No.28 of the instant writ petition being a copy of the application for general transfer as made by the writ petitioner through Utasashree portal. Attention of this Court is also drawn to page Nos.32, 33 and 34 of the instant writ petition being copies of different representations of the writ petitioner with the respondent authorities for her transfer on medical ground since according to her, she is suffering from gynecological

disorder and she has a child of 7 years and except the writ petitioner there is no one to look after her. It is submitted by Mr. Kundu that despite submitting a series of representation, no action has been taken by the Head of the institution respondent No.7/school for forwarding the petitioner's application for transfer on medical ground to the respondent No.6.

3. Mr. Roy, learned advocate appearing on behalf of the Commission, respondent Nos.3 and 4 i.e., the Commission and its functionary submits before this Court that some paraphernalia are required to be observed for considering the application for transfer as made by the writ petitioner on medical ground.
4. Mr. Saha, learned advocate for the State echoes the submission of Mr. Roy.
5. On perusal of the entire materials as placed before this Court it appears that justice would be subserved if the Head of the institution of the respondent No.7 i.e., Sitalkuchi High School is directed to forward the offline application of the writ petitioner as submitted on 12/09/2024 to the respondent No.6 after obtaining a view/a medical report from the concerned BMOH and after adopting a resolution by the Managing Committee of the said school.
6. In view of such the Head of the institution of the respondent No.7 i.e., Sitalkuchi High School is directed to take a view/a medical report of the concerned BMOH on the basis of the application for transfer dated 12/09/2024

as submitted by the petitioner and thereafter to place the same before the Managing Committee of the said school and he/she thereafter shall forward the said applications of the writ petitioner along with the report of the concerned BMOH and the resolution taken by the Managing Committee of the said school to the respondent No.6, who on receipt of the same shall act in accordance with law.

7. It is further directed that the entire exercise as indicated hereinabove is to be completed by the by the Head of the institution of the respondent No.7 i.e., Sitalkuchi High School within six weeks from the date of communication of this order. It is made clear that the time limit as fixed by this Court is mandatory and peremptory.
8. The Head of the institution of the respondent No.7/school is directed to act on the server copy of this order.
9. Liberty to communicate.
10. With the aforementioned observation the instant writ petition being **WPA 2658 of 2024** is disposed of.
11. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Partha Sarathi Sen, J.)