

51 **24.03.**
2026
Ct. No. 24

Ab

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE.

WPA 5206 of 2026

Puspalata Pakhira
Vs.

The State of West Bengal and others.

Mr. Ujjal Ray,
Mr. Atreya Chakraborty.

... for the petitioner.

Mr. Tapan Coomar Dey,
Ms. Arpita Mondal.

... for the State.

Mr. Sunit Kumar Roy.

... for the SSC.

1. The affidavit of service filed today is taken on record.
2. The grievance of the petitioner is that in spite of making an application under the medical ground for transfer, the petitioner's transfer was not considered, ostensibly on the ground that she was a single teacher in the subject.
3. Mr. Ray, learned Advocate appearing for the petitioner, submits that all requisite formalities had been done, including the certificate issued by the Block Medical Officer of Health, Murarai Rural Hospital, Rampurhat HD. The school had given its No Objection for the transfer of the petitioner and forwarded the same to the respondent no. 5.
4. The respondent no. 5, in his own wisdom, had

insisted that the petitioner's transfer could not be allowed as she was only regular teacher in the subject.

5. As decided by this Hon'ble Court and in terms of the notification dated January 3, 2022, the issue of single teacher can no longer be construed as an impediment for transfer especially for transfer on medical ground.
6. The petitioner, an Assistant Teacher in History, since 2011 has already been duly examined by the Block Medical Officer of Health and had been ascertained to be medically unwell and, therefore entitled to be transferred.
7. In spite of all the afore-stated circumstances, it is undeniable that the transfer application, which was refused, is of 2022 and in view of the long passage of time, it is possible that the surrounding facts and circumstances may have changed.
8. In these circumstances, as afore-stated, the petitioner is directed to make a fresh application with the school authorities by April 5, 2026. The school authorities will forward its declaration and no objection without insisting on any further medical examination, relying upon by the certificate issued by the Block Medical Officer of Health, given in Memo No. MRH/2022/363 dated April 1, 2022, within a period of seven days from the date of

receipt of the application to the respondent no. 5. The respondent no. 5 shall expeditiously conduct the medical examination of the petitioner through the Chief Medical Officer of Health within a period of fifteen days from the date of receipt of the application. The respondent no. 5 will forward such application along with the report of the CMOH to the respondent no. 2 as expeditiously as possible and definitely within a period of three weeks from the date of the report filed by the CMOH.

9. Needless to mention that the directions on the respondent no. 5 are subject to the report of the CMOH insofar as the petitioner's well being is concerned.
10. The respondent no. 2 will thereafter proceed with the matter and deal with it in accordance with law within a period of four weeks from the date of receipt of the application of the petitioner from the respondent no. 5.
11. With these afore-stated directions, the writ petition is disposed of.
12. There shall, however, be no order as to costs.
13. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)

