

12.03.2026
Sl. No. 15
Ct. No.14
AN

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

WPA/5609/2025
SUMAN KALYAN MANDAL
VS
STATE OF WEST BENGAL AND ORS.

Mr. N.I. Khan
Mr. Amlan Kumar Mukherjee
Mr. Chiranjib Das

...for the Petitioner.

Mr. Supratim Dhar
Mr. Sankha Prasad Roy

...for the State.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

...for the W.B.B.P.E.

Mr. Ranjan Saha

...for the DPSC, Jhargram.

1. By the present writ petition the petitioner seeks for inter-district transfer from Jhargram to Paschim Medinipur on medical ground.
2. Pursuant to the order passed by this Court, the Medical Superintendent-cum-Vice Principal, IPGME&R, SSKM Hospital constituted a Medical Board which conducted the medical examination of the petitioner and has filed its report on 14th January, 2026. The medical report reads as follows:

The Members of the Medical Board carefully examined to Mr. Suman Kalyan Mandal (male, about 40 per Aadhaar) (Aadhaar Card No. 6910 1455 7421) and of the following opinion:-

There is History of Acute Pancreatitis in 2025 etiology of which is probably Hyper Triglyceridemia obese and has fatty liver and is Diabetic.

His diabetes and Hyper Triglyceride can be managed with lifestyle and regular medication on an outpatient basis. He needs to follow up with Endocrinology and Gastroenterology on regular basis.

3. Mr. Kaushik Chowdhury, learned advocate appearing for the Board submits that the medical conditions as depicted in the medical examination report is not covered under Rule 5(3)(a) of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 (*hereinafter referred to as 'Rules of 2002'*) and, therefore, the writ petition is liable to be dismissed.
4. Mr. N.I. Khan, learned advocate appearing for the petitioner submits that the conditions as depicted are severe and it affects the petitioner in traveling the distance of 112 kms. on each side to attend his work place.
5. Rule 5(3) of the Rules of 2002 reads as follows:

"(3) an applicant may seek transfer on following grounds and same shall be considered by only against the vacancy available at the time of consideration, subject to the conditions made in sub- rule 3A, in following order of preference, namely:-

 - (a) Any applicant or his/her son/daughter/spouse suffering from malignant disease, severe heart disease, renal failure, thalassemia, replacement of organ, serious gynecological disorder which caused serious problem in attending the school;*
 - (b) Applicant having physically disablement of 40% and more duly certified by competent authority;*
 - (c) Female teacher facing serious problem in attending the school due to divorce or death of husband;*
 - (d) Teacher of age of 57 years and more and willing for home district posting;*
 - (e) Any other reasons."*
6. Upon perusal of the aforesaid rule, it is found that the medical conditions as depicted in the medical

examination report of the petitioner is not covered under Rule 5(3)(a) of Rules of 2002. Hence, the writ petition falls short of merit.

7. Accordingly, the writ petition being **WPA 5609 of 2025** stands dismissed.
8. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
9. Consequently, connected applications, if any, stand disposed of.
10. Interim orders, if any, stand vacated.
11. There shall be no order as to costs.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)