

04.02.2026
Item no.82 ML
Subrata
Bhattacharyya

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA No.15885 of 2022**

In the matter of :

Rizia Sultana

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Ms. Gopa Biswas
Mr. Mainak Ghosal
Ms. Ankita Ghosh
Ms. Salini Bhattacharjee

.Advocates

For the WBCSSC:

Mr. Sourav Mitra

....Advocates

For the school:

Mr. Sk. Sahjahan

....Advocates

For the State:

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

....Advocates

1. Affidavit-of-service, filed in Court today, is taken on record.
2. The application of the petitioner for transfer on self medical ground stood rejected in April 2022 by the District Inspector of Schools on the ground that the petitioner was a single subject teacher.
3. The petitioner presses for transfer.

4. Learned counsel for the petitioner refers to the West Bengal (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 as amended in the year 2021 which mentions that if the application for transfer is made on medical ground, then the fact of being a single teacher is liable to be dispensed with.
5. As per the Transfer Rules, in case of an application for transfer on medical ground the requirement of considering the roll strength for transfer is to be dispensed with. While considering application for transfer on medical ground if resultant vacancy of the school becomes zero or does not commensurate with the roll strength, then the school managing committee is to approach the Central School Service Commission through the concerned District Inspector of Schools for filling up the vacancy. The authority cannot invoke the ground mentioned in the impugned order of rejection for rejecting the prayer for transfer on medical ground.
6. In the instant case, it is seen that even though the petitioner applied for transfer on medical ground, the respondent authority applied an incorrect yardstick to consider the same. The exception for consideration of an application seeking transfer on medical ground has not been followed.
7. In view of the above, the ground for not allowing the petitioner's prayer for transfer stands set aside.

8. The head of the institution is directed to forward the prayer of the petitioner seeking transfer strictly in accordance with the Transfer Rules, 2015, as amended, to the DI of Schools (SE), Purba Medinipur at the earliest but positively within a period of four weeks from the date of communication of this order. Medical checkup of the petitioner may be conducted by the Block Medical Officer of Health.
9. If the medical report discloses any ground on which transfer maybe allowed, then necessary consequential steps shall be taken by the authorities without any further delay.
10. The fate of the petitioner's application shall be made known to the petitioner.
11. Suspension of the Utsashree portal shall not stand in the way of the respondents in taking steps in terms of the order passed hereinabove.
12. The writ petition stands disposed of.
13. Certified copy of this order, if applied for, be furnished after completion of all requisite formalities.

(Amrita Sinha, J.)