

04-02-2026
Item No.85 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.20039 of 2022

Sabir Ahmed

-vs-

The State of West Bengal & Ors.

Mr. Ujjal Ray
Mr. Arpa Chakraborty ...for the petitioner

Mr. Bhaskar Prasad Vaisya, AGP
Mr. Suman Dey ...for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey ...for the Commission

1. Affidavit of service filed in Court be taken on record.
2. The petitioner's application seeking transfer on spouse medical ground stood rejected by the school managing committee on 19th May, 2022 on the ground that the pupil- teacher ratio is not commensurate with the roll strength permitting transfer.
3. The petitioner has annexed the medical report in favour of his spouse issued by the Block Medical Officer of Health certifying that the spouse of the petitioner is suffering from health issues.
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 requirement of maintaining the

pupil-ratio 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), Malda at the earliest but positively within a period of four weeks from the date of communication of this order. Further medical checkup of the petitioner's spouse may be conducted by the Chief

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 writ petition stands disposed of.
11. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]