

WPA 21399 of 2022

Manick Bera
Vs.
The State of West Bengal & Ors.

Mr. Ujjal Ray
.... for the petitioner

Mr. Sourav Mitra
.... for the CSSC

1. The affidavit of service filed today is taken on record.
2. In spite of service, the school authority is not represented.
3. The petitioner's application for transfer on the medial ground of his child had been rejected by the school authority in 2022.
4. Though the medical ground (Autism Spectrum Disorder), is not a ground specified under Rule 4(a) of the Notification of September 8, 2021, this Hon'ble Court, vide several decisions, has considered the Rule and has held that such a disability/medical condition may qualify an incumbent to obtain the transfer. However, since a long period of time has lapsed and the attending circumstances may have changed, the petitioner is granted liberty to make a fresh application for transfer with the school authority, who shall consider the same in the light of

WPA 15447 of 2025 (Beauti Bitha vs. State of West Bengal & Ors.), WPA 20742 of 2023 (Saurav Basu vs. The State of West Bengal & Ors., WPA 9141 of 2025 (Swati Pal vs. The State of West Bengal & Ors. and WPA 26829 of 2024 (Sunita Nandan vs. The State of West Bengal & Ors.).

5. If found otherwise eligible, the school authority will take steps to issue declaration and the requisite No Objection Certificate and forward the same to the concerned D.I. within a period of six weeks from the date of making the application by the petitioner.

6. With these aforesaid directions, the writ petition is disposed of.

7. There shall, however, be no order as to costs.

8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)