

S/L 11
09.01.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 23082 of 2022

Anindita Bag

Vs.

The State of West Bengal & Ors.

Mr. Ujjal Ray

Mr. Binit Kumar

...for the Petitioner.

Ms. Sanghamitra Nandy

...for the State.

Mr. Sourav Mitra

...for the WBCSSC.

1. Affidavit of service filed in Court today be kept with the records.

2. The petitioner seeks transfer on the ground of her spouse who is suffering from cancer.

3. The Head of the Institution forwarded her application to the District Inspector of Schools with the remark that the petitioner is a single subject teacher. The petitioner and her husband both are teachers in the school. The husband of the petitioner was operated in 2017 but visually appears to be fit currently.

4. On perusal of the remarks made by the Head of the Institution, the District Inspector of Schools returned the application of the petitioner to the Head of the Institution by mentioning that there is strong anti-remark of the Head of the Institution.

5. Submission of the petitioner is that the Head of the Institution does not have any jurisdiction to

comment upon the health of the patient. The same is the authority of the medical experts.

6. Upon hearing the petitioner and on perusal of the documents placed before this Court, it appears that the Head of the Institution is aware that the husband of the petitioner has a medical issue. He was operated.

7. Whether the spouse of the petitioner appears to be visually fit or not is not a consideration to be made by the Head of the Institution. On receipt of the application for transfer the Head of the Institution ought to have forwarded the patient for medical check up in accordance with the transfer rules. By merely looking at a patient, the Head of the Institution may not be able to identify the medical problem that the patient may be suffering.

8. In view of the above, the Head of the Institution is directed to process the application of the petitioner in accordance with law and proceed for medical examination of the spouse of the petitioner. Steps shall be taken by the Head of the Institution at the earliest, but positively within a period of eight weeks from the date of communication of this order.

9. If the Block Medical Officer of Health opines in favour of the patient, then the Head of the Institution shall forward the application of the petitioner seeking transfer to the District Inspector of Schools for taking necessary consequential steps in the matter.

10. The writ petition stands disposed of.

11. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

(Amrita Sinha, J.)