

S/L 9
12.02.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 28377 of 2022

Bijay Kumar Kalibarta

Vs.

The State of West Bengal & Ors.

Mr. Ujjal Ray
Sk. Abdur Rahim

...for the Petitioner.

Mr. Sunit Kumar Roy

...for the SSC.

1. The petitioner is an orthopedically challenged group-D staff of a school. He seeks transfer. His application seeking transfer stood disallowed by the head of the institution in the year 2022 on the ground of high roll strength and shortage of staff.

2. The petitioner has annexed the disability certificate issued in his favour in April 2022 in support of the submission that his disability is incurable and permanent in nature. It has been assessed at 60%.

3. The West Bengal School Service Commission (General Transfer, Transfer on Special Ground and Reallocation) Rules, 2015 has been referred by the petitioner. It has been pointed out that physical disablement of 40% or more as certified by the competent authority is a ground for transfer.

4. It has also been submitted that the roll strength is to be dispensed with for consideration of an application seeking transfer on the ground of physical disablement of 40% or more.

5. Prayer has been made to direct the respondent authorities to consider his application seeking transfer.

6. None appears on behalf of the State respondent.

7. It appears that the petitioner's application stood disallowed by the head of the institution without verifying the medical certificate allegedly issued by the competent authority.

8. As the petitioner seeks transfer on the ground of his physical disablement, the head of the institution ought to verify the nature of disablement of the petitioner and thereafter take a decision on his application seeking transfer. The Rules dispense maintaining roll strength if the application is made on the ground of physical disablement.

9. In view of the above, the instant writ petition stands disposed of by directing the head of the institution to reconsider the petitioner's application seeking transfer by forwarding the documents relied upon by the petitioner to the District Inspector of Schools for verification.

10. The District Inspector of Schools shall verify the documents of the petitioner and if the authority is of the opinion that the petitioner may be transferred on the ground of his disablement, then necessary consequential steps shall be taken in accordance with the prevailing transfer rules.

11. The head of the institution is directed to forward the documents of the petitioner to the District Inspector of Schools at the earliest but positively within a period of six weeks from the date of communication of this order.

12. The District Inspector of Schools shall take necessary steps in the matter within a period of eight weeks thereafter.

13. The fate of the petitioner's application shall be made known to the petitioner.

14. Suspension of the Utsashree portal will not stand in the way of the authorities from taking steps in terms of the order passed hereinabove.

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

16. Certified copy of this order, if applied for, shall be made available to the parties.

(Amrita Sinha, J.)