

06.10.2020.

WPA 19312 of 2019

With
CAN No.1 of 2020 (Old CAN 5128 of 2020)
(Via Video Conference)

Barnali Das.
Vs
The State of West Bengal & Ors.

Mr. Shamimul Bari,
Miss. Molly Saha,
... For the Petitioner.
Mr. Tulsi Das Ray,
...For the State.

Let the affidavit of service be kept with the record.

Inspite of repeated service and request from the Court, none appears on behalf of the School authorities.

The petitioner is aggrieved with the inaction on the part of the school authorities thereby refusing to grant the petitioner 'No Objection' that is required as per Rule 4 (1)(c) read with Rule 6 (3) of the West Bengal School Service Commission (General transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 (hereinafter referred to as "the Rules").

Mr. Bari, learned Counsel for the petitioner submits that the writ petitioner is unable to complete the application form for general transfer

on special grounds as per Rule 6 (3), since she has not obtained “No Objection” from the concerned school that is to be attached with the said form.

Mr. Tulsi Das Ray, appears on behalf of the state respondents.

I have heard the learned Counsels for the appearing parties and perused the materials on record placed before me.

I am of the view that the school authorities being the respondents Nos. 5 and 6 should consider the application dated 5th September, 2019 for granting ‘No Objection’ to the writ petitioner allowing her to apply for general transfer on special ground under Rule 4 (1) (c) without any delay. The entire exercise should be completed within a period of 08 weeks from the date of communication of this order.

The respondent authorities may also grant an opportunity of hearing to the petitioner if, necessary.

Since no affidavits have been invited, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

WPA 19312 of 2019 along with CAN 5128 of 2020 is, accordingly, disposed of.

There will be no order as to costs.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)