

15.12.2020

span / 05
Court No.25
Video Conference

W.P.A. No. 8118 of 2020

Sumita Pal

- Versus -

The State of West Bengal & Others

Mr. S. G. Chowdhury

... for the petitioner.

Mr. Ranjan Saha

... for the State respondents.

Mr. Suman Chakraborty

... for the School.

The petitioner is a librarian in Chandraban High School (H.S.) [in short, the said school]. She submitted an application for general transfer on special ground in terms of the West Bengal School Service Commission (General Transfer, Transfer on Special Ground and the Reallocation) Rules, 2015 [in short, the said Rules]. As “No Objection Certificate” (in short, the NOC) was not being issued by the school authorities, the petitioner submitted a representation on 7th July, 2020. As the same was not finally decided, the petitioner preferred the present writ petition. During pendency of the writ petition, the school authorities have issued an order refusing issuance of the NOC. Such decision was communicated by a memo dated 9th October, 2020. Enclosing a copy of the same, a supplementary affidavit has been filed by the petitioner. Let the same be kept on record.

Heard the learned advocates appearing for respective parties. It appears from the memo, issued by the respondent no.6, dated 9th October, 2020 that the managing committee of the said school resolved that issuance of NOC in favour of the petitioner could not be considered as she has not enclosed proper documents in support of her medical problems, proof of long distance and other necessary documents in terms of the said Rules.

In view thereof, I am of the opinion that no useful purpose will be served by keeping the writ petition pending and the same is disposed of with liberty to the petitioner to submit a fresh application for issuance of NOC along with all necessary documents in terms of the said Rules to the respondent no.5 within a period of two weeks from date. In the event such representation is submitted, the managing committee of the said school shall consider the same and take a decision towards issuance of NOC in favour of the petitioner and communicate such decision to her within a period of three weeks thereafter.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Tapabrata Chakraborty, J.)