

10.12.2020
Item No.14
Daily List
Court No.25
Krishnendu

W.P.A. No. 8280 of 2020
(VIA VIDEO CONFERENCE)

In re: Madhumita Kumar (Mandal)
- Versus-
West Bengal Central School Service
Commission & Ors

Ms. Mousumi Bhowal	For the Petitioner
Dr. Sutanu Patra Mrs. Supriya Dubey	For the WBCSCC
Mr. Malay Singh	For the State

Ms. Bhowal, learned advocate appearing for the petitioner submits that the petitioner is an assistant teacher of Harimara Konarpur S.S.C. 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 Reallocation) Rules, 2015 (in short, the said Rules of 2015). The same was considered by the Managing Committee of the said School and 'No Objection' was granted. Thereafter, the School authorities forwarded the said application to the respondent no. 6, who in turn, vide memo dated 16th July, 2019 has forwarded the same to the Principal Secretary,

School Education Department in terms of the procedure as laid down under Rule 7 of the said Rules of 2015.

Mr. Malay Singh, learned advocate appears on behalf of the State respondents.

No explanation is forthcoming as to why the petitioner's claim, as forwarded by the respondent no.6, has not yet been considered by the competent authority of the School Education Department in terms of Rule 7(3) of the said Rules of 2015.

Upon hearing the learned advocates appearing for the respective parties and upon considering the materials on record, I am of the opinion that no useful purpose will be served by keeping the writ petition pending and the issue needs to be relegated to the competent authority of the School Education Department, Government of West Bengal.

Accordingly, this Court directs the competent authority of the School Education Department to take steps in terms of Rule 7(3) of the said Rules of 2015 and to recommend the petitioner's prayer to the West Bengal School Service Commission. In the event such recommendation cannot be issued in favour of the petitioner, a reasoned decision to that

effect should be communicated to the petitioner.

The above exercise should be completed within a period of six weeks from the date of communication of this order along with a copy of the writ petition.

Needless to observe in the event the petitioner's claim deserves acceptance, all necessary follow up steps shall be taken by the respondents forthwith.

With the above observations and directions, the writ petition is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties upon compliance of all necessary formalities.

(Tapabrata Chakraborty, J.)