

08-12-2020
ct no. 13
Sl.39
pk

WPA 8854 of 2020

Sk. Md. Sadruddin

-Versus-

State of West Bengal & Ors.

**Mr. Subrangshu Panda,
Mr. Syed Nurul Arefin**

....for the petitioner

**Mr. Prosenjit Mukherjee,
Ms. Madhurima Sarkar**

...for the Madrasah Service Commission

On 25th March, 2011 the petitioner had applied for transfer, pursuant to advertisement invited by the West Bengal Madrasah Service Commission. While the application form for transfer did not distinguish between general transfer and transfer by mutual consent, the petitioner has submitted before this Court that he had in fact applied for mutual transfer. The petitioner was then listed in the category of persons for mutual transfer and counselling was fixed on 22.09.2011.

Having found that the person with whom the petitioner was to exchange posts had declined and/or withdrawn his offer of mutual transfer, the petitioner on 19th March, 2013 (within the cut off date mentioned in the

advertisement-in-question) informed the authorities that his application should be treated as one for general transfer is not a mutual transfer.

The application was rejected by the Madrasah Commission in a letter dated 28th September, 2020 on the ground that the same was not received through proper channel before 31st May, 2013.

Counsel for the Commission has made submissions.

Having considered the rival contentions of the parties, this Court is of the view that the petitioner's case calls for equitable consideration since the petitioner, within the cut off date had converted his application from one for mutual transfer to that of general transfer.

The West Bengal Madrasah Service Commission must, therefore, call the petitioner for suitable counselling for general transfer and accommodate him, as far as possible to a school nearest to his residence, subject to availability of vacancies.

With the aforesaid directions, the instant writ petition is disposed of.

No order as to costs.

Photostat certified copy of this order, if applied for, be given to the parties.

(Rajasekhar Mantha, J.)