

08.12.2020
D/L No.40
Court No.25
s.biswas

WPA 9410 of 2020

Sanjukta Roy
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Anjan Bhattacharya
... .. for the petitioner
Ms. Koheli Bhattacharyya
... .. for the Board

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner applied for transfer on special ground in terms of the West Bengal School Service Commission (General Transfer, Transfer on Special Ground and Reallocation) Rules, 2015. By a memo dated 22nd January, 2020, the respondent no.5 directed the respondent no.3 to intimate the vacancy status of schools for the petitioner. In the said memo it was also indicated that if there is no vacancy near the residence of the candidate then vacancy, if available, in the same subject and medium in his district, should be intimated. In spite of receipt of such letter, the respondent no.3 did not send any intimation to the Commission. The petitioner thereafter submitted several representations but the same have also not been attended to. Aggrieved thereby the petitioner had approached this Court.

Drawing the attention of this Court to the averments made in Paragraph 6 of the writ petition, Mr. Bhattacharya submits that several vacancies are existing and specific vacancies have also been indicated. Such fact was also intimated to the respondent no.3 by a representation, but in vain.

Ms. Bhattacharyya, learned advocate appearing for the Board submits that under the rules appointment can be issued only after recommendation is issued by the Commission in favour of the petitioner.

No one appears on behalf of the State respondent and no explanation is forthcoming as to why the vacancy status has not yet been informed to the Commission by the respondent no.3. It appears that unnecessarily the matter has been delayed.

In the said conspectus, this Court directs the respondent no.3 to immediately respond to the memo dated 22nd January, 2020 issued by the respondent no.5 and to intimate the vacancy status to the said respondent, within a period of 2 weeks from the date of communication of this order. A copy of such intimation shall also be forwarded to the petitioner by the respondent no.3.

Needless to observe that immediately upon intimation of the vacancy status, appropriate follow up steps should be taken by all concerned authorities, in accordance with law.

With the above observation and direction, the writ petition is disposed of.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on completion of all necessary formalities.

(Tapabrata Chakraborty, J.)