

Ct.
No.
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akb

19.03
2021

W.P.A. 78 of 2020
Abir Mukherjee
- Versus -
The State of West Bengal & Ors.

Ms. Sadhana Bhattacharjee **...For the Petitioner**

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey **...For the State Respondents**

None appears on behalf of the School Authorities, in spite of service. Accordingly, I draw an adverse inference against School authorities.

This is an application under Article 226 of the Constitution of India filed by the petitioner for general transfer on special grounds. It is the case of the petitioner that an application has been made by the petitioner for transfer under Rule 4(1)(a) of the West Bengal School Service Commission (General Transfer, Transfer on Special Ground and Reallocation) Rules, 2015 and the School authorities have not forwarded his application to the Commissioner of School Education.

I have heard learned Counsel for the appearing parties and perused the materials placed on record.

In light of the above submissions, I direct the School authorities to grant 'No Objection Certificate' for general transfer on special grounds in accordance with law under Rule 4(1)(a) of the West Bengal School Service Commission (General Transfer, Transfer on Special Ground and Reallocation) Rules, 2015 in favour of the petitioner and thereafter forward the same along with the application of the petitioner in the prescribed format to the Commissioner of School Education at an early date. Upon receipt of the

application, the Commissioner of School Education is directed to pass a reasoned order on the application of the petitioner within a period of eight weeks from the date of receipt of the same.

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

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(*Shekhar B. Saraf, J.*)