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W.P.A. 3384 OF 2021

Ratan Chattapadhyay
-vs.-
The State of West Bengal & Ors.

Mr. Amitabrata Ray	
Mr. Bhaskar Prosad Banerjee	
Mr. Abhradip Maity.	For the Petitioner
Mr. Biswabrata Basu Mallick	
Mr. Sanjib Das.	For the State
Ms. Koyeli Bhattacharyya	For the Board.
Ms. Sumita Shaw	For the Chandan- nagore Municipality
Mr. Sandip Kumar Bhattacharya	...For the Respondent No.7.

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner peculiarly does not wish to exercise the option of transfer that he applied for initially. It is to be noted that upon his application for transfer under Rule 4(1)(a) of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 [hereinafter referred to as 'the Rules'], recommendation was made by the Commissioner of School Education and upon such recommendation, the order dated December 22, 2020 was issued by the West Bengal Board of Secondary Education (hereinafter referred to as 'the Board'). The order made it clear that the

petitioner was required to join within five days and failure to do so would result in cancellation of the said recommendation.

2. The petitioner submits that he never made any application subsequent to this order before the school authorities for release to go to the new school. However, the school authorities (through the Chandannagore Municipal Corporation) issued a release order dated January 18, 2021 to the petitioner.

3. I have heard counsel appearing on behalf of the parties and perused the materials on record. Under the prevailing circumstances, I am of the view that this issue requires to be decided by the School Education department that made the recommendation, i.e., the Commissioner of School Education.

4. Accordingly, the Commissioner of School Education is directed to grant an opportunity of hearing to the petitioner and to the school authorities and thereafter, pass a reasoned order within a period of three weeks from date of communication of this order. The reasoned order is to be communicated within a period of one week from the date of passing of the same.

5. With the above direction the writ petition is disposed of. There will be no order as to costs.

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

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

(Shekhar B. Saraf, J.)