

Ct. 12.02
No. 26 2021
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W.P.A. 3899 of 2021
Sonali Ghosh (Das)
-Versus-
State of West Bengal & Ors.

Mr. Subhrangsu Panda

...For the Petitioner

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das

...For the State Respondents

Petitioner prays for leave to file supplementary affidavit. Such leave is granted. Supplementary affidavit filed in Court today be kept with the record.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the order of recommendation of the Commissioner of School Education dated January 27, 2021 and the subsequent order of appointment by the West Bengal Board of Secondary Education dated February 11, 2021.

It appears from the documents annexed to the writ petition that the petitioner has chosen a particular school in her counseling, that is, Boro Balaram Lal Bihari Vidyamandir. This consent was given by the petitioner after she received a letter from the Secretary, West Bengal Central School Service Commission dated November 13, 2020. However, it appears that the Commissioner of School Education has recommended her transfer to a completely different school and the same has been accepted by the West Bengal Board of Secondary Education and the appointment made in the same.

In my view, the said recommendation and the appointment are not as per the principles established in law. Therefore, both these impugned orders are quashed and set aside.

The Commissioner of School Education is directed to look into the consent given by the petitioner and

in the event there is vacancy in the said school, make such a recommendation in favour of the petitioner within a period of three weeks from date.

Needless to mention if such recommendation is made by the Commissioner of School Education, the West Bengal Board of Secondary Education shall act upon the recommendation of the Commissioner of School Education and give appointment of the petitioner within two weeks from receipt of such recommendation.

With the aforesaid 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 upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)