

Court No. 17

WPA 6953 of 2021

30.07.2021

(AD 16)

(S. Banerjee)

Juthika Hansda

Vs.

The State of West Bengal & Ors.

with

CAN 1 of 2021

(Via Video Conference)

Mr. Sakti Pada Jana

... for the petitioner

Ms. Sanghamitra Nandy

Mr. Bhaskar Chakraborty

... for the State

Ms. Koyeli Bhattacharya

... for the respondent nos. 4 and 5

Mr. Abhrotosh Majumdar

Mr. Anindya Lahiri

Mr. Samrat Dey Paul

... for the respondent nos. 6 and 7

Mr. Amitabrata Roy

... for the respondent no. 9

This court passed an order in respect of mutual transfer between the petitioner and the respondent no. 9. In compliance with the order passed by this court, the headmistress of the school and the secretary of the managing committee are present. Their personal appearance is dispensed with.

Today I have been shown from an application (IA: CAN 1 of 2021) filed on behalf of the headmistress, namely, Birati Chandicharan Balika Vidyapith (Junior High) that out of the two parties of the mutual transfer the private respondent in WPA 6953 of 021, namely, Piyali Das, on 28th December, 2020 withdrew her consent from such transfer.

The interim application is not in the list but the record is here.

As mutual transfer of teachers is a result of consent between two teachers, though expressed before some statutory authority, when the consent of a party has been withdrawn, which in my view does not suffer from any illegality, one of the parties who has given consent can always withdraw the consent when no real prejudice is caused to the other party, there cannot be any order of a court directing mutual transfer. There cannot also be any order upon the schools for issuance of release order to the teachers on whose consent the order of mutual transfer was passed. The matter ends here. Only it is to be noted that before passing of the order of transfer by the West Bengal Board of Secondary Education on 6th January, 2021 the respondent no. 8 herein withdrew her consent by making a prayer for cancellation of her transfer process through her letter dated 28.12.2020 which is Annexure F of the IA: Can 1 of 2021 application.

Therefore, this writ application does not have any merit and I dismiss this writ application.

A report (the report is undated) filed by the District Inspector of Schools, being the respondent no. 3 herein be kept in the file.

(Abhijit Gangopadhyay, J.)