

8 06.09.2021
rkd Ct.05

W.P.A. 7771 of 2021
(Through Video Conference)

Bimal Kumar Biswas
-vs-
The State of West Bengal & Ors.

Mr. Biswajit De,
Ms. Rajlakshmi Ghatak

....for the petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Sanjib Das

....for the State

Writ petitioner is an Assistant Teacher in Government aided Secondary School and working from 15th October, 2007. Writ petitioner made an application for transfer on special ground due to indisposition of his son and the first application was made on 24th August, 2016. The school authorities of Marhtala Satyeswar Institution, District-Paschim Medinipur, also issued “no objection” in considering the application made by the writ petitioner for his transfer on special ground. It is the contention of the writ petitioner that his name was enlisted at serial no. 3894 in the relevant list as maintained by the concerned respondent authorities for transfer on special ground and indicating such position of the writ petitioner in the said list prepared for transfer on special ground a representation was preferred by

the writ petitioner dated 11th December, 2020 addressed to the Commissioner of School Education, Government of West Bengal being the respondent no.6 which is still pending. Writ petitioner has voiced grievance that in view of issuance of notification dated 16th October, 2020 under Memo No.633-SL/SS-358/19 issued by the Principal Secretary, School Education Department, Government of West Bengal, the prayer of the writ petitioner for transfer on special ground should have been sympathetically considered by this time.

Mr. Mallick, learned advocate representing the State respondents submits that the case of the writ petitioner may be considered in accordance with law taking note of the said notification dated 16th October, 2020.

Considering the submission made on behalf of the learned advocates representing the respective parties to this writ petition, the writ petition is disposed of by directing the Commissioner of School Education, Government of West Bengal, to dispose of the representation of the writ petitioner dated 11th December, 2020 at page 37 of this writ petition, within a period of twelve weeks from the date of communication of this order in accordance with notification dated 16th October, 2020. The

Commissioner of School Education, Government of West Bengal is directed to give opportunity of hearing to the writ petitioner and the concerned School Authority where the petitioner is serving at present before taking such decision and the decision shall be communicated to the writ petitioner within two weeks from the date of taking the same.

Accordingly, the writ petition is disposed of.

There shall be no order as to costs.

Affidavit-of-service filed in Court is taken on record.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)