

31.08.2021

BP
Sl. 36
Court No. 17.

WPA 8391 of 2021

(Via Video Conference)

Eishita Basak
Vs.
The State of West Bengal & Ors.

Mr. Shamim ul Bari
... the petitioner.

Mr. B.P. Vaisya
Mr. Ranjan Saha
..for the State.

Mr. Sunit Kumar Roy
..for SSC.

Ms. Koyeli Bhattacharya
..for the Board.

Mr. Biswajit Samanta
..for the respondent no.11.

In this mutual transfer case, one of the teachers namely, Eishita Basak. who wanted mutual transfer, withdrew her consent for mutual transfer, which appears from Annexure P-2 at page 18 of the writ application. The said letter is dated 25th February, 2021. It was sent to the Education Department.

The petitioner's grievance is that on 26th February, 2021 she requested the Commissioner of School Education for cancellation of the mutual transfer, which appears from Annexure P-4 of the writ application. But

despite such withdrawal of consent, the West Bengal Board of Secondary Education by their order dated 26th February, 2021 passed an order for mutual transfer.

On the last occasion, I directed the other teacher namely, Sahanaj Khatun being the respondent no.11, with whom the transfer was to be made, to appear before this court and to intimate whether she would suffer any prejudice or not.

Learned advocate for the respondent no.11 has submitted that once the application for mutual transfer has been made by her client, she may not be allowed to make any further application in this regard.

After hearing the parties, I pass the following orders:-

(i) The order of mutual transfer passed by the West Bengal Board of Secondary Education dated 26th February, 2021 bearing memo no. WBBSE/App./MT/03581 is set aside as the consent which is the basis of the mutuality has been withdrawn by one of the parties, here the petitioner.

(ii) In view of the setting aside of the order of mutual transfer, as above, on the ground of withdrawal of consent of the petitioner the other party to such mutual transfer, being the respondent no.11 shall in no way suffer any prejudice in respect of any mutual transfer or general transfer if she wishes to apply in future. She will

be at liberty to file application for general transfer or mutual transfer. Similar liberty is granted to the petitioner also.

With this observation, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

