

Item- 25 21-06-2021

WP.ST 40 of 2021

sg Ct. 16

Janajit Chakraborty
Versus
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Biswajit Sen, Adv.
...for the petitioner

Mr. Tapan Mukherjee, Addl. GP.

Mr. Biswabrata Basu Mallick, Adv.
...for the State

The petitioner is aggrieved by the order dated 22nd March, 2021 passed by the learned West Bengal Administrative Tribunal in connection with an application filed by the petitioner challenging his transfer order.

It appears from record that the petitioner made a representation on 26th February, 2021 for reconsideration of the order of transfer from Howrah to Coochbehar on the ground that he had recently lost his father and he has to look after his mother, who is presently 80 years old and critically ill. He is the only child and his presence in the residence is necessary. This representation appears to have not been considered by the authorities concerned. However, before the Tribunal, it appears to have been contended on behalf of the petitioner that leave may be given to the petitioner to file a representation after his joining the post. There appears to be some ambiguity as the petitioner had filed an application which was pending at the time when a direction was given for filing a further representation.

We feel that in the interest of justice, the authorities concerned shall sympathetically consider the representation filed by the petitioner on 26th February, 2021 within a period of four weeks from the date of communication of this order by either of the parties by giving a reasonable opportunity of hearing to the petitioner through virtual mode or physically by maintaining covid protocol and dispose of the said representation by a reasoned order. In view of the fact that the representation is already on record, there would be no necessity to file a fresh representation.

The Director, State Council of Educational Research and Training is directed to consider the said representation in terms of our order. The Director shall decide the issue uninfluenced by the observations made by us in this order in accordance with law.

The impugned order of transfer shall remain stayed for a period of eight weeks or till the decision of the Director is communicated to the petitioner whichever is earlier.

It is made clear that in the event the transfer order is upheld, the same may not be given effect to for a period of one week from the date of its communication to the petitioner.

The petitioner is directed to serve a copy of this application upon Mr. Tapan Mukherjee, learned Additional Government Pleader by tomorrow i.e. 22nd June, 2021. Mr. Mukherjee is requested to communicate this order to the Director in order to enable the Director to take appropriate steps

in this matter.

We have not gone into the merits of the transfer order.

The Legal Remembrancer is directed to regularise the appointment of Mr. Tapan Mukherjee and Mr. Biswabrata Basu Mallick, Advocate, as junior to Mr. Mukherjee in this matter.

With the above direction WPST 40 of 2021 is disposed of.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)