

07.09.2021
item No.9
n.b.
ct. no. 5

WPA 10334 of 2021

(via video conference)

Debpriya Kundu

-Vs-

The State of West Bengal & ors.

Mr. Ujjal Ray.... For the petitioner

Mr. Susanta Pal,

Ananda Dulal Sarkar...for the State.

Let the affidavit of service be kept on record.

Writ petitioner is an Assistant Teacher in Kaliapara Ramkrishna Vidyabhaban(H.S.), District Paschim Medinipur who was appointed on July 27, 2010. An application in the prescribed proforma was made by the petitioner seeking transfer on special ground and in support of the same, the school authority where the petitioner is working at present, issued no objection on February 18, 2016. It has also been pointed out on behalf of the writ petitioner that subsequently the school authority again issued no objection on April 2, 2018 which is at page 30 of the writ petition.

The grievance of the petitioner is that inspite of preferring the application before the concerned respondent authority for transfer on special ground the same has been kept pending for an indefinite period. Lastly, it has been submitted by Mr. Ray, learned advocate that a comprehensive representation has been preferred by the writ petitioner in the month of January 6, 2021 which has been received by the Directorate of School

Education, at page 35 of the writ petition, on January 5, 2021, but no steps have been taken by the concerned authority for redressal of grievance of the writ petitioner.

Mr. Pal, learned advocate appears on behalf of the state respondents and draws attention of this court to the notification dated October 16, 2020 issued by the Secretary, Education Department, Government of West Bengal with regard to the transfer of the Assistant Teacher working in Government aided secondary School on special ground. On perusal of the said notification dated October 16, 2020 it appears that the Commissioner of School Education is the appropriate authority to take a decision on the application of the Assistant Teachers seeking transfer.

Since the representation of the writ petitioner dated January 5, 2021 is pending before the Commissioner of School Education, this court directs the Commissioner of School Education, being the respondent no.3, to take a decision on the representation of the petitioner relating to transfer on special ground within twelve weeks from the date of communication of the order. The decision to be taken by the Commissioner shall be communicated to the writ petitioner within two weeks thereafter.

This writ application is disposed of.

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

Urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Saugata Bhattacharyya, J.)