

**07.
12.08.2021.
Ct. No. 11.
F.B.**

**MAT 619 of 2021
with
IA No. CAN 1 of 2021**

(Via Video Conference)

**Pinky Biswas
-Vs.-
The State of West Bengal & Ors.**

**Mr. Shamim Ul Bari,
Ms. Molly Saha
..... For the Appellant.**

**Mr. Biswabrata Basu Mallick,
Mr. Sanjib Das
..... For the State.**

**Mr. Swarup Paul
..... For the Respondent
No. 7.**

**Ms. Koyeli Bhattacharyya
..... For the WBBSE.**

Party/Parties is/are represented in the order of
their name/names as printed above in the cause title.

The attention of this Court is drawn to its
previous order dated 26th of July, 2021 wherein the
Commissioner of School Education was called upon to
illuminate this Court on the modalities governing the
transfer of the appellant from one school to another
following the choice exercised by the appellant, who
works as an Assistant Teacher under the Directorate of
School Education.

Today, Mr. Biswabrata Basu Mallick, Learned State Counsel, produces specific instructions from the Commissioner of School Education, West Bengal which, *inter alia*, states that the vacancy of Assistant Teacher for the subject of Geography in Bengali medium is available at Netaji Nagar Vidyamandir, 170/436, NSC Bose Road, Netaji Nagar, Kolkata and, the said vacancy may be provided to accommodate the appellant.

The written instruction signed by the Commissioner of School Education, West Bengal on the 5th of August, 2021, follows a revised order of transfer of the appellant dated the 30th of July, 2021 and signed by the President, West Bengal Board of Secondary Education (for short, WBBSE).

This Court takes notice of both the revised transfer order dated the 30th of July, 2021 and the written instruction dated the 5th of August, 2021 and accepts the common position expressed by the parties to this appeal that the grievance of the appellant stands redressed.

The Commissioner of School Education, West Bengal and the President, WBBSE are accordingly directed to execute the order of transfer dated 30th of July, 2021 and the written instruction dated 5th of

August, 2021 not later than a period of a week from this date.

Let both the communication dated 30th of July, 2021 and written instruction dated 5th of August, 2021 be made available to Learned Counsel for the appellant.

In the light of the above direction, the previous transfer order dated 11th of February, 2021 stands set aside.

The order of the Hon'ble Single Bench impugned in this appeal also stands permanently stayed in the light of the above direction.

MAT 619 of 2021 and **CAN 1 of 2021** stand accordingly **disposed of**.

In view of the disposal of this appeal on the basis of the aforesaid directions, the writ petition also becomes infructuous and stands disposed of.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Md. Nizamuddin, J.)

(Subrata Talukdar, J.)