

18 08.09.2021
rkd Ct.05

W.P.A. 13950 of 2021
(Through Video Conference)

Kaberi Ghosh

-vs-

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya,
Ms. Anita Shar

....for the petitioner.

The writ petitioner is an assistant teacher in Ramkrishna Mission Sarada Vidyapith (High School) in the district of Bankura and she has made an application for transfer on special ground and in this regard a representation has been preferred to the Commissioner of School Education on 5th August, 2021, which is at page 21 of the writ petition. It has been brought to the notice of the Court that there is a notification dated 16th October, 2020 issued by the Principal Secretary, School Education Department, Government of West Bengal, relating to general transfer and transfer of the teachers on special ground working in different schools in the State of West Bengal. It is the contention of Mr. Bhattacharya, learned advocate representing the writ petitioner that the Commissioner of School Education has been empowered under the said notification dated 16th October, 2020 to take a decision on the application

made by the respective teachers seeking transfer on special grounds. Grievance has been voiced before this Court today that in spite of making representation for transfer before the Commissioner of School Education which is dated 5th August, 2021 but it has not yet been decided by the Commissioner of School Education, respondent no.2.

Affidavit-of-service filed in Court shows that due notice has been served upon the Office of the Government Pleader and hard copy of the writ petition was sent to the Office of the Commissioner of School Education which has returned back with an endorsement “refused”. The envelope handed up by Mr. Bhattacharya during course of hearing is taken on record. No one appears on behalf of the State respondents at the time of hearing of this writ petition.

Considering the submission made on behalf of the writ petitioner and taking note of the relevant part of the said notification dated 16th October, 2020 issued by the Principal Secretary, School Education Department, Government of West Bengal, this Court directs the Commissioner of School Education to take decision on the representation of the writ petitioner dated 5th

August, 2021 within a period of twelve weeks from the date of communication of this order and communicate the decision taken in terms of this order to the petitioner within two weeks thereafter. Before taking decision the Commissioner shall give opportunity of hearing to the writ petitioner as well as the school authority where the petitioner is serving at present.

With the above observation, the writ petition stands 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.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)