

Ct. 05
Item No.31
15.09.2021
(suvendu)

WPA 14148 OF 2021

(VIA VIDEO CONFERENCE)

Nabanita Chakrabarti
Vs.
The State of West Bengal & Ors.

Mr. Subroto Mukhopadhyay
Ms. Debjani Dasgupta

.....for the petitioner
Ms. Chama Mookherji
Ms. Prativa Ghatak
.....for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
.....for the WBCSSC

Ms. Koyeli Bhattacharyya
.....for the West Bengal Board of
Secondary Education

The writ petitioner is an Assistant Teacher of Rajarampur High School, District –Murshidabad (for short, “said school”), who applied for transfer on special ground before the concerned respondent authorities. Such application was made in terms of the relevant provisions of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 (hereinafter referred to as “Rules of 2015”) framed under the West Bengal School Service Act, 1997.

On processing such application for transfer, the writ petitioner was recommended by the West Bengal Central School Service Commission for transfer as an Assistant Teacher in Bishurpukur High School, District Murshidabad and acting on such recommendation, ultimately the West Bengal Board of Secondary Education issued transfer order to the writ petitioner on 22nd September, 2020, being annexure P-7 of the writ petition.

The writ petitioner on receipt of such transfer order dated 22nd September, 2020, could not join her transferred post at Bishurpukur High School since the said school remained closed at the material point of time due to out-break of Covid 19. The writ petitioner also made a prayer before the District Inspector of Schools (SE), Murshidabad dated 7th October, 2020 for her placement in a school nearer than Bishurpukur High School from her place of residence since the said school, where the petitioner was transferred, is 30 Kilometers away from the residence of the writ petitioner. In this regard, the writ petitioner has relied upon a print-out, taken from the website of the respondent authorities, in order to point out before this Court that the petitioner could have been recommended in Sudarshan Chakra Girls High School, which is nearer to her

place of residence than the school, where the writ petitioner has been recommended for transfer.

Dr. Patra, learned advocate appears on behalf of the West Bengal Central School Service Commission and submits that since the writ petitioner applied for transfer on special ground in the year 2016 in terms of Rules of 2015 and the process of transfer of the writ petitioner was complete, therefore, benefit of portal which has recently been introduced cannot be extended in favour of the writ petitioner by recommending her name for transfer to Sudarshan Chakra Girls High School.

Ms. Bhattacharyya, learned advocate appears on behalf of the Board of Secondary Education and submits that the Board has already issued a transfer letter dated 22nd September, 2020 in favour of the writ petitioner for her transfer to Bishurpukur High School, Murshidabad.

During course of hearing, Mr. Mukhopadhyay, learned advocate appearing on behalf of the writ petitioner submits that considering the present situation, the writ petitioner is willing to join her transferred post in Bishurpukur High School, as per said letter dated 22nd September, 2020.

The Court has considered the submissions of the respective parties and the records of this writ petition including the transfer letter dated 22nd September, 2020. Since upon processing the application of the writ petitioner for transfer there was due recommendation by the West Bengal Central School Service Commission in favour of the writ petitioner and the Board has already issued transfer letter on 22nd September, 2020 thereby writ petitioner was requested to join the post of Assistant Teacher in Bishurpukur High School on transfer and since it has been submitted by the learned advocate for the writ petitioner that the petitioner at present is willing to join the said school, this Court directs the petitioner to join the post of Assistant Teacher in Bishurpukur High School, Murshidabad, within fortnight from date, as per appointment letter dated 22nd September, 2020, upon extending the time which was initially fixed by the Board for joining of the writ petitioner in her transferred post. However, it is made clear that if the writ petitioner fails to join the transferred post within a period of fortnight, as aforesaid, the writ petitioner will lose her right to get the benefit of the said transfer order dated 22nd September, 2020.

Ms. Bhattacharyya, learned advocate representing the Board has made submission that if Court directs to extend the time which was fixed by the transfer letter dated 22nd September, 2020 for joining of the petitioner in her transferred post, there will be no impediment in implementation of the said transfer order.

Accordingly, the writ petition is disposed of without any order as to costs.

Leave is granted to the writ petitioner to add the concerned authority of Bishurpukur High School, Murshidabad as a party respondent to this writ petition immediately.

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

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

(Saugata Bhattacharyya, J.)