

11.11.2021
SL No. 20
Court No. 5
P.M.

WPA 16109 of 2021

Tarannum Parveen.
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Subhrangshu Panda,
Ms. Mithu Singha Mahapatra
... for the petitioner

Mr. Prasenjit Mukherjee,
Ms. Madhurima Sarkar
... for Madrasah
Service Commission

Mr. Syed Mansur Ali,
Mr. T. Khan
... for the respondent No. 8

Mr. Bhaskar Prasad Vaisya,
Mr. Suman Dey
... for the State

The petitioner seeks direction on the respondent No. 8 who is the Headmaster/Superintendent of the concerned Madrasah, for issuing a No-Objection certificate to the petitioner so that the petitioner can avail the benefit of a general transfer in terms of Government Memos issued by the West Bengal Madrasah Service Commission.

The objection raised to the prayer of the Headmaster of the concerned school when the petitioner is the only teacher in Geography and that the petitioner's transfer would prejudice the interest of the school.

The State is represented.

Upon hearing the learned counsel, it is seen that the online application of general transfer 2021 issued by the Commission requires the applicant to provide a No-Objection certificate from the Secretary/Administrator or Headmaster /Superintendent or Teacher-in-charge of the concerned school without which the application will not be entertained.

Despite the submission made on behalf of the Headmaster and the paucity of teachers in the subject Geography, there is no rule or notification which entitles the Headmaster to withhold the no-objection certificate for the online application. The Headmaster has other recourses available for filling in the post of teachers in the school.

WPA 16109 of 2021 hence allowed and disposed of with the direction on the respondent No. 8 to issue the no-objection certificate within period of two weeks from date to the petitioner.

The prayer made on behalf of the Headmaster for a direction of the Madrasah Commission to fill up the vacant posts in the school cannot be entertained in this writ petition. The Headmaster can always take appropriate steps in that regard.

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

(Moushumi Bhattacharya, J.)