

Ct. 05
Item No.33
07.12.2021
(suvendu)

WPA 17573 of 2021

[Via Video Conference]

Tanmoy Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya
.....for the petitioner

Mr. Malay Kumar Singh
.....for the State

Affidavit of service filed in Court today is
kept with the record.

The petitioner prays for a direction on the
respondent no. 3, being the Commissioner of
School Education, to recommend the transfer of
the petitioner to any School near Barasat where
the petitioner presently resides.

Learned counsel for the petitioner submits
that the petitioner had been recommended to a
School in Alipurduar which is more than six
hundred Kilometers away from the petitioner's
residence. Counsel submits that direction had
been given by the West Bengal Central School
Service Commission to the District Inspectors of
Schools (SE), Barasat and Barrackpore on 6th

February, 2020 to inform the vacancies of the Schools in the said districts. Counsel submits that the concerned District Inspectors of Schools have not acted upon the said communication till date. A Notification has also been placed dated 16th October, 2020 by which all applications regarding transfer are to be made to the Commissioner as may be notified by the State Government upon which a recommendation shall be made to the West Bengal Board of Secondary Education for a formal order of transfer in appropriate cases.

The State is represented and learned counsel for the State submits that an appropriate application may be made by the petitioner for transfer.

Upon hearing learned counsel, this Court is of the view that since the petitioner had already applied for transfer before February, 2020 which resulted in the communication dated 6th February, 2020 from the West Bengal School Service Commission to the District Inspectors of Schools of Barasat and Barrackpore to inform vacancy, there is no need for a further or fresh application by the petitioner.

The concerned District Inspectors of Schools are directed to act on the communication

of the School Service Commission dated 6th February, 2020 within two weeks from today. The Commissioner of School Education shall thereafter recommend the petitioner for transfer to an appropriate School subject to the petitioner being eligible for such and the West Bengal Board of Secondary Education shall thereafter issue a formal order of transfer.

The outer limit of the entire exercise should preferably be completed within 22nd January, 2022.

WPA 17573 of 2021 is disposed of in terms of the above.

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

(Moushumi Bhattacharya, J.)