

Item No.34

20.12.2021
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 17989 of 2021
Bidhan Chandra Mondal

v.

The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji
Ms. Snigdha Saha
Mr. Pronay Basak
... for the petitioner.

Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
... for the Commission.

Mr. Syed Nasirul Hossain
... for the State respondents.

The petitioner is a teacher in a Madrasah. He applied for online transfer. His name appeared in Serial No. 16 in the list of General Transfer Schedule, Bengali (Pass).

On the date of counselling the vacancy list did not show the name of Burdwan High Madrasah as because a writ petition (WPA 322 of 2021) was pending before this Court in respect of the said Madrasah.

The petitioner intended to join Burdwan High Madrasah but as the same was not shown in the vacancy list, accordingly he refused to accept any other Madrasah for transfer.

Presently, the petitioner has come to know that the writ petition which was pending has since been disposed of and no order has been passed in respect of Burdwan High Madrasah.

The private respondent herein who was the petitioner in the WPA 322 of 2021 has been impleaded as a private respondent herein. Copy of the writ petition was sought to be served upon the private respondent on two occasions, but the postal envelope has returned unserved with the remark 'door locked'.

It has further been submitted that the private respondent has already joined a separate Madrasah on transfer and she is not interested to join the Burdwan High Madrasah.

The petitioner submits that he may be accommodated on transfer in the Burdwan High Madrasah.

The learned advocate representing the Madrasah Service Commission submits that Burdwan High Madrasah could not be shown in the vacancy list because of the pendency of the aforesaid writ petition.

It has further been submitted that the petitioner cannot be accommodated directly in the said Burdwan High Madrasah as there may be candidates who are placed higher in the seniority list maintained by the

Madrasah Service Commission and who may choose to select the said Madrasah.

It has however been submitted by the Commission that the candidates who are appearing higher than the petitioner in the seniority list of general transfer have joined their respective transferee Madrasahs.

Be that as it may, as it appears that there is no impediment at this stage on the part of the Madrasah Service Commission to fill up the vacancy in the Burdwan High Madrasah, necessary steps shall be taken by the Commission to fill up the said vacancy by way of transfer from the intending candidates.

The general transfer vacancy- Bengali Pass as published by the Madrasah Service Commission shows the vacancy of Burdwan High Madrasah (H.S.) at Serial No. 881. In the event, the vacancy has not yet been filled up, then the Commission shall take necessary steps to fill up the said vacancy at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)