

22.01.2021

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W.P.A. 22723 of 2019

(Through Video Conference)

Lipi Karmakar

Vs.

The State of West Bengal & ors.

Mr. Ujjal Ray

... for the petitioner

Affidavit of service filed in Court be kept with the record.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by non-granting of the 'No Objection Certificate' (hereinafter referred to as the 'NOC') for general transfer on special ground by the school authorities.

Inspite of service none appears on behalf of the respondents.

I have heard learned Counsel for the petitioner and perused the record.

In my view, lack of teachers or vacancies in the school is not a good ground simpliciter in not granting NOC to the petitioner. However, I am cognizant of the fact that granting of transfer of the writ petitioner would result in great prejudice to the students.

Accordingly, I direct the school authorities to grant NOC to the petitioner so that the process of general

transfer under the Rules may continue. In the meantime, the school authorities shall be at liberty to apply for filling up of the vacancies before the District Inspector of Schools (SE), Purulia, who shall immediately forward the same to the concerned authorities. The State authorities are directed to expeditiously fill up the vacancies in the said school.

It is to be noted that granting of the NOC at this stage is only for the purpose of forwarding the application to the authorities and the school shall be at liberty to retain the writ petitioner till a replacement is filled up by the State authorities.

In light of the above, the school authorities are directed to grant the NOC to the writ petitioner within a period of four weeks from the date of communication of this order.

The writ petition is, thus, disposed of.

Since no affidavit-in-opposition is called for, allegations made in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shekhar B. Saraf, J.)