

18.01.2021

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W.P.A. 8277 of 2020

(Through Video Conference)

Tapas Kumar Pan

Vs.

West Bengal Central School Service
Commission & ors.

Ms. Mousumi Bhowal

.... for the petitioner

Mr. Malay Kr. Singh

... for the State

Dr. S. K. Patra

Ms. Supriya Dubey Chakraborty

... for the W.B.C.S.S.C.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the respondents in processing his application under Rule 4(1)(a) of the West Bengal School Service Commission (General Transfer, Transfer on Special Ground and Reallocation) Rules, 2015 (hereinafter referred to as “the said Rules”).

A reasoned order has been passed by the Pricipal Secretary, Education Department, Government of West Bengal in pursuance of an order passed by this Court that has rejected the prayer of the petitioner on the ground that the prayer for transfer does not include the

name and the degree of the diseases suffered by the wife of the petitioner.

Mr. Singh, learned Counsel appearing on behalf of the State submits that the concerned District Inspector of Schools (S.E.), has, in fact, written to the school authorities asking for the other details and requesting the school authorities to forward the fresh application of transfer in terms of Rule 4(1)(a) of the said Rules.

In light of the above, the school authorities are directed to forward a fresh application of transfer of the petitioner in accordance with Rule 4(1)(a) of the said Rules giving the details as required. The petitioner is directed to coordinate and cooperate with the school authorities for the same. The school authorities are further directed to send the fresh application within a period of three weeks from the date of communication of this order. I make it clear that the order passed by the Principal Secretary shall not stand in the way of the authorities considering the fresh application.

With the above directions, this writ petition is disposed of.

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

(Shekhar B. Saraf, J.)