

07.01.2021
Item No.06
Court No.25
Krishnendu

**W.P.A. 11265 of 2020
(Via Video Conference)**

In re: Krishna Chowdhury
- Versus -
The State of West Bengal & Ors.

Mr. Madhusudan Mandal
For the Petitioner

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
For the State

Affidavit of service filed by the petitioner
be kept on record.

The present writ petition has been preferred challenging *inter alia* the inaction on the part of the authorities of Maisaradih Junior High School (in short, the said school) to issue the “No Objection Certificate” (in short, NOC) in favour of the petitioner pertaining to her claim for general transfer on special ground.

Mr. Mandal, learned advocate appearing for the petitioner submits that the petitioner was appointed to the post of an assistant teacher in the said school on 15th January, 2014. Her husband is working in a school in the district of Paschim Medinipur, which is about 175 kms away from the petitioner’s school. After marriage she has given birth to a child on 5th November, 2014, who is suffering

from various ailments. As she was facing unsurmountable inconvenience to attend her school and as she was not being able to take care of her minor child, she submitted an application for general transfer on special ground before the West Bengal Central School Service Commission (in short, the said Commission). By a memo dated 16th June, 2016, the Secretary of the said Commission directed the petitioner to apply in terms of the relevant rules. Accordingly thereafter, the petitioner filled up the *pro forma* application but the authorities of the said school withheld the NOC. Aggrieved thereby, the petitioner submitted a representation to the Secretary of the said school on 8th August, 2018 but the same has not been considered till date.

Mr. Basu Mallick, learned advocate appearing for the State respondents submits that presently the petitioner's claim needs to be considered in terms of the notification issued by the Principal Secretary, School Education Department on 16th October, 2020. The aspirants seeking transfer of any kind from one school to another school is required to apply to the respondent no.2, through the

respondent no.4 upon obtaining NOC from the school authorities.

No explanation is forthcoming as to why the school authorities have not yet considered the petitioner's prayer for issuance of NOC pertaining to her claim for transfer.

In view thereof, this Court directs the respondent nos. 6 and 7 to consider the petitioner's prayer for issuance of NOC, as contained in the representation dated 8th August, 2018 and to take a decision, in accordance with law and to communicate such decision to the petitioner within a period of four weeks from the date of communication of this order along with a copy of the writ petition.

Needless to observe, in the event the school authorities decide to issue NOC in favour of the petitioner, they shall forward the same to the respondent no.4 within a period of two weeks from the date of such decision so that the said respondent can take appropriate follow up steps and forward all relevant documents including the NOC to the respondent no.2 to enable him to take a final decision as regards the petitioner's claim for general transfer on special ground, in accordance with law, forthwith.

The petitioner shall also submit afresh an application for transfer along with the NOC, if issued, to the respondent no. 2 to enable him to take a final decision on such application, forthwith.

With the above observations and directions, the writ petition is disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties upon compliance of all necessary formalities.

(Tapabrata Chakraborty, J.)