

Court No. 17

WPA 534 of 2022

20.01.2022

(AD 1)

(S. Banerjee)

Smt. Rina Ghosh

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Chittapriya Ghosh

... for the petitioner

Mr. Biswajit Dey

Mr. Pashupati Saha

... for the State

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the SSC

This is a matter of mutual transfer.

The applicant of the mutual transfer is one Joel Tudu, who is the respondent no. 9 herein, and the second applicant is the petitioner.

The petitioner has submitted that the qualification of the first applicant in the order of mutual transfer issued by the West Bengal Board of Secondary Education has been wrongly gone down as English (H/PG) which should be English (Pass). In this regard the first applicant has also given a representation as appears from Annexure P-4 of the writ application.

In my view the mistake, may have been, taken place at the end of the School Service Commission because the Board has no right and authority to change the subject of the first applicant as English (H/PG).

However, the Board should also verify whether the mistake has been committed at their end.

In this view of the matter, I direct both the School Service Commission and the West Bengal Board of Secondary Education to check the subject of the first applicant and the mistake is required to be corrected by the authority at whose end the mistake was committed.

Such mistake is to be rectified within a period of two weeks from the date of communication of this order and after rectification of the mistake a new order of mutual transfer is to be passed by the Commission and then by the Board.

It is made clear that for this delay the interest of the petitioner and the private respondent in respect of their respective schools should not be jeopardized. However, if the Commission or the Board finds that the respective schools need English (H/PG) or English (Pass), as the case may be, they should take appropriate steps for issuing fresh mutual transfer order keeping the interest of the petitioner and the respondent no. 9 protected.

The Commission and the Board should complete the whole process within a period of four weeks from the date of communication of this order.

The matter is disposed of with the above direction.

The petitioner is directed to serve a copy of the order upon the Commission and also upon the Board immediately.

(Abhijit Gangopadhyay, J.)