

17. 02. 2022
BP
Sl. 303
Court No. 17

WPA 1123 of 2022

(Via Video Conference)

Haripada Ballav Adhikari
Vs.
The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
..for the petitioner.

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
..for SSC.

Mr. Supriyo Chattopadhyay
Mr. Pinaki Bhattacharyya
..for the State.

The petitioner filed an application for general transfer on special ground more specifically on the ground of his ailments. As appears from pages 57 and 64 of the writ petition on a conjoint reading of Rules 3 and 4 of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Re-allocation) Rules 2015 it is found that for the purpose of general transfer on special ground, completion of five years satisfactory service is not the primary condition. It is the primary condition of general transfer. Therefore, the sending back of the transfer application

of the petitioner has been done wrongly by the concerned authority being the School Service Commission.

I direct the School Service Commission to consider the matter afresh in view of the observations made above and to take appropriate steps in respect of the transfer of the petitioner within a period of four weeks from the date of communication of this order by passing a reasoned order after giving an opportunity of hearing to the petitioner.

With the above observation, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

