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10.02.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 1642 of 2022
(Via Video Conference)**

**Rozina Yasmin
-versus
State of West Bengal & Ors.**

**Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mahapatra.
...For the Petitioner.**

**Ms. Sanghamitra Nandy,
Mr. Bidhan Biswas.
...For the State.**

**Mr. Prosenjit Mukherjee,
Ms. Madhurima Sarkar.
...For the Madrasah Service
Commission.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner is serving as an Assistant Teacher in a Madrasah. She has been temporarily posted at Panchla Girls' High Madrasah, Howrah. She seeks transfer. Her application for transfer has not been considered.

She approached this Court by filing a writ petition being WPA 313 of 2021. The said writ petition stood disposed of by an order dated 18th January, 2021 directing the respondents to consider the representation of the petitioner.

In compliance of the direction passed by the Court, an opportunity of hearing was given to the petitioner on 12th February, 2021. A reasoned order has been passed thereafter.

Though the reasoned order is dated 12th February, 2021, but the same was actually served and communicated to the petitioner in September 2021.

In the meantime, the process of transfer was initiated by the West Bengal Madrasah Service Commission online.

As the petitioner's application praying for transfer was already pending consideration before the West Bengal Madrasah Service Commission, she thought it fit not to apply afresh in the online mode.

After her prayer for transfer stood rejected and the same was communicated to the petitioner in September 2021, she made up her mind to participate in the online counselling process meant for transfer.

As the date for filing online application was over in the meantime, the petitioner has approached this Court with a prayer for permitting her to file off-line application seeking transfer.

It appears from the submission made on behalf of the West Bengal Madrasah Service Commission that a provisional list of candidates seeking transfer has already been published by the West Bengal Madrasah Service Commission but the final list is yet to be published.

As the petitioner was unable to file the application seeking transfer online on account of pendency of her prayer for transfer, accordingly, one opportunity ought to be granted to the petitioner for filing application online so that she can participate in the counselling process.

In view of the above, the instant writ petition is disposed of by directing the West Bengal Madrasah Service Commission to permit the petitioner to file application seeking transfer off-line within 18th February, 2022.

In the event off line application is made by the petitioner within 18th February, 2021, then steps shall be taken to consider the prayer of the petitioner for participating in the counselling process for transfer in accordance with law.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)