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14.03.2022
d.p.

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

W.P.A 2016 of 2022

**Dipanwita Maity
-versus
State of West Bengal & Ors.**

**Ms. Mousumi Bhowal,
Mr. Asish Dutta.
...For the Petitioner.**

**Mr. Supriyo Chattopadhyay,
Mr. Sabyasachi Mondal.
...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.

None appears on behalf of the Madrasah in spite of service.

The petitioner submits that the application filed by her for transfer cannot be proceeded in the absence of the 'No Objection Certificate' to be issued by the Madrasah authority.

The petitioner applied before the Madrasah on 10th February, 2021 for issuance of 'No Objection Certificate' but the same has not been issued in her favour till date.

The petitioner was issued the letter of appointment on 12th November, 2018 and she joined the post on 24th November, 2018.

Her service was provisionally approved in terms of the order dated 17th May, 2018 passed by the Hon'ble Supreme Court in CA No. 5808 of 2017 on the basis of the option exercised by the recommended candidate at the time of counselling.

There is no provision under which the Madrasah can hold back issuance of a 'No Objection Certificate' in favour of a teacher who seeks transfer.

The Madrasah is bound to issue 'No Objection Certificate' in favour of the petitioner in response to the application made by her.

The name of the petitioner is already included in the list maintained by the West Bengal Madrasah Service Commission for transfer.

In view of the above, the respondent No. 6 being the Managing Committee of Debkunda Sk Abdur Razzak Memorial Girls High Madrasah is directed to issue 'No Objection Certificate' in favour of the petitioner so that her application for transfer may be processed by the West Bengal Madrasah Service Commission.

The said 'No Objection Certificate' be issued at the earliest but positively within a period of two weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)