

02.08.2022

Ct. No. 13

Sl.25

pk

W.P.A No. 3380 of 2022

Sukhendu Jana

Vs.

The State of West Bengal and Ors.

Mr. Manoranjan Jana

... for the Petitioner.

Mr. Supriya Chattopadhyay,

Mr. Pinaki Bhattacharya

... for the State.

Dr. Sutanu Kumar Patra,

Ms. Supriya Dubey

...for the WBCSSC

Mr. Balai Lal Sahoo,

Mr. S.P. Roy

...for the respondent no.7

The School Service Commission has filed a report.

It appears from the said report that the petitioner's application for general transfer was considered and allowed on 03.02.2022. He was previously transferred from Sutahata Labanya Prava Balika Vidyalaya(HS) to Kayemgeria D. M. High School where he is working presently after his application for mutual transfer made through the Utsashree Portal was allowed by the WBSSC. The petitioner, thereafter, without completing five years, has applied for transfer afresh.

The Kayemgeria D.M. High School submits that it has not forwarded any no objection certificate for further transfer from its school.

In those circumstances, this Court is of the view that any further order of transfer of the petitioner without completing five years at the present school is illegal and cannot and could not have allowed under the 2015 Rules. The writ petition has been filed by suppression of material facts and/or misstatement thereof.

The writ petition is dismissed with costs assessed at Rs.7,500/- that shall be deducted by the school out of the salary and emoluments payable to the petitioner. The said costs shall be credited to the accounts of the school.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)