

Item No.73

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.03.2022
Ct-24

WPA 4513 of 2022
Ranjit Kumar Shaw

v.

The State of West Bengal & Ors.

Mr. Pradip Kumar Roy
Mr. Nasiruddin Molla
... for the petitioner.

Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal
... for the State respondents.

Mr. Bhaskar Prosad Vaisya
Mr. Pinaki Bhattacharyya
Mr. Nilay Baran Mandal
... DPSC, North 24-Parganas.

Mr. Ratul Biswas
... for the Board of Primary Education

The petitioner is a primary school teacher. He applied for inter-district transfer through Utsashri Portal from Kolkata district to North 24-Parganas district.

His prayer for transfer was approved by the Secretary, West Bengal Board of Primary Education on November 23, 2021. A formal order of transfer was issued on December 14, 2021. The petitioner on January 5, 2022 applied before the Chairman of the Council praying for cancellation of the order of transfer. On January 7, 2022 the release order was issued in favour of the petitioner.

According to the petitioner, due to certain predicament, which arose after issuance of the order of transfer, the petitioner was compelled to file the application praying for cancellation of his order of transfer.

The petitioner prays for a direction upon the respondent authority to consider his prayer for cancellation of transfer.

The petitioner has annexed the guidelines applicable for seeking transfer of primary school teachers. The issue herein relates to inter-district transfer.

Without going into the merits as to whether the said application can be entertained or not the matter is remanded to the Secretary, West Bengal Board of Primary Education to take a decision with regard to the prayer made by the petitioner.

It is made clear that this Court has not gone into the merits of the prayer made by the petitioner and all points are left open to be decided by the respondent Board at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the approval of inter-district transfer dated November 23, 2021, a copy of the Office Order dated December 14, 2021, a copy of the Release Order dated January 7,

2022 and a copy of his representation dated January 5, 2022 to the aforesaid respondent at the time of communicating the order of this Court.

Consideration shall be made at the earliest but positively within a period of four weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

Learned advocate for the petitioner is directed to serve a copy of the writ petition upon Mr. Pinaki Bhattacharya, learned advocate representing the North 24-Parganas District Primary School Council and Mr. Ratul Biswas, learned advocate representing the Board.

The writ petition stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)