

12.04.2022
SL No. 31
Court No. 24
(P.M)

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

WPA 4794 of 2022

**Naeematul Irina
Vs
The State of West Bengal & Ors.**

Mr. Nirmalya Kumar Das,
Mr. Jahangir Hossain
... for the petitioner .

Mr. Prosenjit Mukherjee,
Ms. Madhurima Sarkar
... for Madrasah Service
Commission

Mr. T.M. Siddiqui,
Mr. Nilotpall Chatterjee
... for the State

The petitioner applied for general transfer before the West Bengal Madrasah Service Commission in the online portal in the year 2021. Prior to making the application online, the petitioner applied in the year 2019 praying for transfer. Her earlier application for transfer filed on 17th September, 2019 was not taken up for consideration.

According to the petitioner, the counselling process with regard to the online application for general transfer 2021 has not been started till date.

The petitioner relies upon orders passed by this Court in respect of candidates who made online application and approached this Court wherein this Court directed the Madrasah Service Commission to consider the application for transfer of the said candidates.

The petitioner prays for similar relief.

As it appears that the application filed by the petitioner online for general transfer is pending consideration for a considerable period of time and as it has been submitted that the counselling process may not be held immediately accordingly, it will be open for the petitioner to file separate representation before the West Bengal Madrasah Service Commission seeking transfer.

In the event, fresh application is made before the Commission the same shall be considered by the authority strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of receipt of the application. The authority shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The writ petition stands disposed of.

Instruction given by the Chairman of Paschim Medinipur District Primary School Council dated 5th April, 2022 be retained with the records.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)