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jdt.

26.07.2022
jb.

W.P.A. 6000 of 2022
(Sanchita Sinha vs. State of West Bengal & Ors.)

Mr. Uttam Kr. Bhattacharya
.... For the Petitioner

Mr. Sourav Mitra
Mr. Suman Dey
.... For the Central School Service Commission
Ms. Koyeli Bhattacharya
.... For the WBBSE

Mr. Raja Saha
Mr. Biswabrata Basu Mallick
.... For the State

The petitioner's application for mutual transfer has failed since the other candidate who had originally agreed to such mutual transfer has withdrawn her consent. The petitioner submits that she is the victim of circumstances and hence the five-year restriction on seeking transfer afresh under general rules should not be applied to her case.

This Court finds that the petitioner has not yet completed five years in the present place of posting. The said provision is mandatory and cannot be diluted by a court of law.

In the facts and circumstances of the case the petitioner may apply afresh for transfer after completion of five years if she is otherwise entitled to do the same in law.

With the aforesaid observations, the writ petition is disposed of.

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.)