

06-01-2023
ct no. 13
Sl. 53
sp

CPAN 1193 of 2022
In
WPA 9109 of 2022
With
CAN 1 of 2022

Smt. Balaka Mondal & Anr.
-Versus-

Mr. Manish Jain

Mr. Shamim ul Bari,
Ms. Molly Saha

.....for the petitioners

Mr. Arjun Roy Mukherjee,
Mr. Sougata Mitra

....for the alleged contemnor

The State has filed CAN 1 of 2022, seeking modification and/or clarification of the order dated August 8, 2022.

In so far as the direction to provide a facility like the 'Utsashree' Portal available to teachers under the School Service Commission to the teachers under the Madrasahs, an appeal being MAT No. 586 of 2022 is pending before the Division Bench of this Court.

It is, however, submitted that the State has no objection for considering the petitioners' application for transfer. The only modification he sought is that the consideration should be effected by the Principal Secretary, Minority Affairs and Madrasah Education Department and not the

School Education Department. Madrasahs are covered under the West Bengal Madrasah Service Commission Act, 2008, which is under the control of the Minority Affairs and Madrasah Education Department.

The request of the State is fair and justified. The petitioners are unlikely to be prejudiced since they are interested in transfer and the consideration thereof.

The modification is also unlikely to any way interfere with the subject matter of the pending appeal being MAT 586 of 2022.

In those circumstances, the order dated August 8, 2022 is modified to the extent that the petitioners' application for transfer shall be considered by the Principal Secretary, Minority Affairs and Madrasah Education Department, within a period of 4 weeks from date. The application of the petitioners shall be considered independent of any other scheduled transfer policy of the Minority Affairs and Madrasah Education Department.

With the aforesaid modification, CAN 1 of 2022 shall stand disposed of.

In view of the above, CPAN 1193 of 2022 shall also stand disposed of without any orders reserving liberty to the petitioners to take out appropriate application, if so advised in future.

It is also made clear that any order permitting transfer in favour of the petitioners, shall be subject to the result of MAT 586 of 2022.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)