

Court No. 22
23.11.2022
(Item No. 23)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 9830 of 2022

Amita Roy
VS
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya
..... for the petitioner
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
... for the State
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
... for SSC
Mr. Anjan Bhattacharya
Ms. Anita Shaw
.... For respondent No. 7

Two affidavits of service filed in Court today,
are taken on record.

The writ petitioner sought for a transfer from
one **Helencha Girls High School, North 24 Parganas**
to one **Ashoknagar Vidyasagar Bani Bhaban High**
School (H.S.), North 24 Parganas. Ashoknagar
Vidyasagar Bani Bhaban High School (H.S.) by its
communication dated May 12, 2022 **Annexure P-3** to
the writ petition informed the respondent No. 7 that, it
had no vacancy at the relevant point of time for the
transferred post in question. As a result the petitioner
could not join the said school.

Considering the facts involved in the writ
petition and considering the submissions made on
behalf of the parties and upon perusal of the materials

on record the respondent No. 4 shall take a reasoned decision on the issue in the light of the document being **Annexure P-6** to the writ petition and **Annexure P-3** and **Annexure P-1** to the writ petition upon giving an opportunity of hearing to the petitioner, respondent No. 5, respondent No. 6 and respondent No. 7 and then shall take a reasoned decision on the issue strictly in accordance with law. It is made clear that the respondent No. 4 shall serve a prior at least seven days hearing notice upon all such parties. The respondent No. 4 while deciding the issue shall bear-in-mind that, the petitioner cannot be set in a limbo as she is lying at present.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 4 within a period of five weeks from the date of the communication of this order. The respondent No. 4 then shall communicate his reasoned order to the petitioner, respondent No. 5, respondent No. 6 and respondent No. 7 within a further period of two weeks from the date of the said reasoned order to be passed.

Upon arriving at the said reasoned order/decision the concerned parties shall take immediate steps to give effect to such decision in all possible manner after compliance of all the formalities positively within a further period of four weeks from the date of communication of the said reasoned order to the relevant parties.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is made clear that this order shall not create any equity in favour of the petitioner and the claim of the petitioner will be considered by the respondent No. 4 strictly in accordance with law.

On the above terms, this writ petition being **WPA 9830 of 2022** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)