

Court No. 22
29.11.2022
(Item No. 37)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 10209 of 2022

Samir Kumar Biswas
VS
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
..... for the petitioner
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
..... for the State
Ms. Koyeli Bhattacharyya
.... For WBBSE
Dr. Sutanu Kumar Patra
Ms. Debalina Chakraborty
.... WBCSSC

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

Mr. Anjan Bhattacharya, learned advocate for
the writ petitioner moves this writ petition.

None appears for the State.

Mr. Arindam Chatterjee, learned advocate with
Ms. Lipika Chatterjee, learned advocate for the State
are present who normally appear in this type of
matters. They are requested to appear in this matter
and hold the brief and their appearance are directed
to be regularized by the office of the learned
Government Pleader forthwith.

The petitioner claims to be an **Assistant
Teacher** at **Natibpur Bhudev Vidyalaya, Hooghly**.
He seeks general transfer from the said present school
on the ground mentioned in his representation dated

February 8, 2022 Annexure P-3 at **page 23** to the writ petition. His grievance is that, such representation had not received any attention of the State authority.

In view of the above, the respondent No. 3 shall consider the said representation of the petitioner dated **February 8, 2022 at page 23** to the writ petition upon issuing at least seven days prior hearing notice to the petitioner and upon the **Headmaster** of the **Natibpur Bhudev Vidyalaya** and after giving them an opportunity of hearing shall pass a reasoned order/decision on the issue.

The concerned **Headmaster** of the said **Natibpur Bhudev Vidyalaya** shall produce all relevant records and documents before the respondent No. 3 and shall file a written notes indicating the subject being taught by the petitioner, how many students are being taught for that subject in the school and also how many teachers are available in the school to teach such subject to the students. The Headmaster shall also indicate the pros and cons and effect of the transfer of the petitioner from the said school before the respondent No. 3 in the said note.

After considering all these points the respondent No. 3 shall pass its reasoned order strictly in accordance with law.

The entire exercise as directed above, to be carried out and completed by the respondent No. 3 within a period of eight weeks from the date of communication of this order. The respondent No. 3 then shall communicate its reasoned order to the petitioner and the relevant School authority within a further period of two weeks from the date of the said reasoned order to be passed.

In the event, the decision goes in favour of the petitioner for transfer then the relevant authority shall take all further consequential steps forthwith.

It is made clear that, this Court has not gone into the merit of the claim of the petitioner in any manner. The petitioner shall be at liberty to urge all the points whatever he wishes to argue and whatever documents and records it wishes to rely upon before the respondent No. 3.

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 further made clear that, this order shall not create any equity in favour of the petitioner, if he is found otherwise not eligible for transfer.

On the above terms, this writ petition being **WPA 10209 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.)