

Court No. 22
06.9.2022
(Item No. 26)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 15179 of 2022

Manat De
VS
The State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. Sk. Sahjagan Ali
..... for the petitioner
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
..... For the State
Ms. Munmun Tewary
Mr. Rajesh Kumar Shah
.... For respondent No. 11

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

Pursuant to a selection process the petitioner claimed to have been selected, recruited and appointed at the post of Assistant Teacher (Bengali) (H)/PG Group in Panditpur Islamia Senior Madrasah, District Murshidabad with effect from October 30, 2018. The recruitment of the petitioner was duly approved by the relevant District Inspector of School under its memo dated November 2, 2018.

The petitioner sought for a transfer on medical ground on the basis of transfer policy prevailing upon. The petitioner made representation dated September 1, 2021, **Annexure P-5** to the writ petition before the appropriate authority.

In terms of his request the petitioner was selected for transfer and was placed under serial No.

356 in the list. The petitioner contends that, such selection for transfer could not be effected.

Mr. Nadim Sulaman, learned advocate appears for the respondent Nos. 4 & 5.

Considering the submissions made by the learned counsel for the appearing parties and considering the materials on record, it appears to this Court that, justice would be sub-served if the grievance of the petitioner can be considered by the appropriate authority after taking into consideration of the relevant facts and rules prevailing thereupon.

In view of the above, the petitioner is directed to make a comprehensive representation before the Fifth respondent on or before September 13, 2022 for his consideration. In the event, such a representation is made, the respondent No. 5 upon giving an opportunity of hearing to the petitioner shall consider such representation and dispose of the same with a reasoned decision/order.

The entire exercise as directed above shall be carried out by the Fifth respondent within a period of six weeks from the date of submission of the comprehensive representation by the petitioner as directed above. The Fifth respondent then communicate his reasoned decision/order to the petitioner within a further period of two weeks from the date of the said reasoned order/decision to be passed.

The said reasoned order/decision shall also be communicated to the respondent Nos. 7, 8, 9 and 10 in the manner as directed above.

In the event, the said reasoned decision/order goes in favour of the petitioner, then the respondent No. 5 shall take all consequential steps and give effect to his reasoned order strictly in accordance with law as expeditiously as possible without causing any unnecessary delay.

This Court has not gone into the merits of the claim of the writ petitioner and the parties will be at liberty to urge all points available to them before the Fifth respondent.

On the above terms, this writ petition being **WPA 15179 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.

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(Aniruddha Roy, J.)