

5 12.12.2022
Sc Ct. no.22

WPA 15960 OF 2022

Shrabanti Kapri

Vs.

The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Diptendu Mandal
Mr. Mridul Biswas.

....For the Petitioner

Mr. Pinaki Dhole
Ms. Ananya Neogi.

....For the State

Mr. Sourav Mitra
Mr. Suman Dey.

....For the CSSC

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

The petitioner claims to be an **Assistant Teacher, English**, working at **Sashi Bhusan Dutta Girls High School, Birbhum**. On the day when the date was fixed for undergoing medical verification at the instance of the relevant school authority, the petitioner had fallen sick due to Typhoid, hence, the necessary medical verification could not be held and the transfer application was returned to the petitioner by the relevant school authority on September 3, 2021 at page 23 to the writ petition. The application for transfer was made on the health ground as would be evident from page 24, **Annexure – P9** to the writ petition before the respondent no.11 which has not yet been considered.

In view of the above, to subserve justice, the respondent no.11 is directed to consider the representation of the petitioner ***dated July 2, 2022, Annexure-P9*** to the writ petition, upon giving seven days' prior hearing notice to the petitioner and after giving her an opportunity of hearing and then shall pass its reasoned order on the issue.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.11 positively within a period of four weeks from the date of communication of this order.

The respondent no.11 shall then communicate its reasoned order to the petitioner within a further period of two weeks from the date of the said reasoned order to be passed.

In the event the reasoned order goes in favour of the petitioner then the respondent no.11 shall take all further and subsequent steps to consider the issue of transfer strictly in accordance with law.

It is made clear that this order shall not create any equity or right in favour of the petitioner in the event the petitioner is found otherwise ineligible for seeking transfer.

It is further made clear that this Court has not gone into the merits of this writ petition.

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

On the above terms this writ petition, **WPA 15960 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)