

Court No. 17

WPA 21416 of 2022

16.09.2022

(AD 219)

(S. Banerjee)

Masura Khatun

Vs.

The State of West Bengal & Ors.

Mr. Firdous Samim

Ms. Gopa Biswas

... for the petitioner

Mr. Swapan Banerjee

Mr. Saugata Mitra

... for the State

Here the petitioner has assailed the office order dated 07.09.2022, being Annexure P-3 at page 32 of the writ application. The office order is as follows:

“Masura Khatun – Assistant Teacher/Head Teacher of Kazipara H.E.S. School (Pry. Section) under Barasat Circle is hereby transferred to Maheswarpur Surendranath Pry. School under Barasat Circle as Assistant Teacher/Head Teacher.

He/She should join the above post within 15 days and should report to the respective Sub-Inspector of Schools.

All concerned are informed accordingly.”

There is absolutely no reason for such transfer. It has also not been said that the transfer is for administrative reasons.

I find this office order is absolutely bad for disclosing no reason at all and, therefore, the office order dated 07.09.2022 is hereby set aside.

Learned advocate for the respondent nos. 4 and 5 and the learned advocate for the State are present. They had prayed for an adjournment for taking instruction which is refused.

Whatever be the instruction and whatever be the nature and character of such instruction, this office order (being Annexure P-3 at page 32 of the writ application), cannot be improved. Such an unreasoned order shows that the Chairman of the District Primary School Council, North 24 Parganas has used unbridled and uncanalised power which shows administrative autocracy which is against democratic principles and act like this, cannot be allowed to sustain.

Therefore, the petitioner, Masura Khatun, shall work in the Kazipara H.E.S. School (Pry. Section) under Barasat Circle as she has been working for last few years and she shall not be transferred without showing any cogent ground disclosing the reasons and before directing her to join any new school, she should be given at least 15 days' time before joining the new school.

This order has been passed in presence of the learned advocates for the petitioner, and also the respondents as aforesaid.

The petitioner is directed to communicate the gist of this order to the authorities.

With this above observation and direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)