

Court No. 22
15.12.2022
(Item No. 21)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 21561 of 2022

Satabdi Halder
VS
The State of West Bengal & Ors.

Md. Manuwar Ali
Ms. Moumita Karmakar
..... for the petitioner
Mr. Sanghamitra Nandy
.....For the State
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
Ms. Debalina Chakraborty
.... For WBCSSC

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

The petitioner at present is working as an
Assistant Teacher subject **English** at **Malatipur
Rahinikanta Girls High School, District - Malda.**
On the ground of suffering of the husband of the
petitioner due to Cancer the petitioner applied for
transfer. The petitioner submitted the necessary
online application before the School authority. The
School authority then forwarded the same to the
respondent No. 4. The present status of her
application would appear from **Annexure P-7** at **page
41** to the writ petition showing that the same is
pending before the respondent No. 3.

Mr. Sudip Ghosh Cowdhury, learned advocate
appearing for the petitioner submitted that, the
statutory period of 21 days had already elapsed since
August 15, 2022, the respondent No. 3 ought to have

taken a decision. No decision had taken by the respondent No. 3 yet.

Ms. Debolina Chakraborty, learned advocate appears for respondent No. 3.

The school authority is not represented.

Considering the above, to sub-serve justice respondent No. 3 is directed to consider the case of the petitioner, the records whereof are lying with it after giving at least seven days prior hearing notice to the petitioner and the respondent No. 6 and then after giving them an opportunity of hearing shall decide the issue with a reasoned order/decision strictly in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 3 positively within a period of six weeks from the date of communication of this order and then the respondent No. 3 shall communicate its reasoned decision/order to the petitioner and the respondent No. 6 within a further period of two weeks from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merit of the claim of the writ petitioner in any manner. The petitioner shall be at liberty to urge whatever points she wishes to urge and will be at liberty to rely upon whatever records and documents she wishes to rely upon before the respondent No. 3. The respondent No. 6 shall render all its co-operation

to the respondent No. 3 to take a reasoned decision and shall produce the necessary records and papers if required.

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 or right in favour of the petitioner, if the petitioner is not otherwise eligible for her claim for transfer strictly in accordance with law.

On the above terms, this writ petition being **WPA 21561 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.)