

45 08.9.2022
Sc Ct. no.22

WPA 19943 OF 2019

Biswajit Santra

Vs.

The West Bengal Central School
Service Commission & Ors.

Mr. Anil Kumar Chattopadhyay

.... For the Petitioner

Dr. Sutanu Patra

Ms. Supriya Dubey.

.... For the WBCSSC

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

The petitioner claims to have been appointed as an **Assistant Teacher at Muraboni Netaji High School, Paschim Medinipur** through the School Service Commission and his appointment was approved by the jurisdictional District Inspector of School, Paschim Medinipur under **Memo dated November 18, 2008**.

In terms of the **Commission's (Mutual Transfer) rules, 2012** the petitioner was transferred (mutual) to **Akandabari High School, District-Purba** Medinipur in the same science stream.

The grievance of the petitioner in this writ petition is that the said representation dated September 19, 2019 had not received any attention of the respondent authorities despite the petitioner having a valid ground seeking to be transferred within the district of Purba Medinipur.

The petitioner claims that on the ground of his mother's sickness and old age and since there was none to look after the mother and since the petitioner had a new born child, he did not join the said transferred school at Purba Medinipur. The petitioner contends that the distance in between his residence and the transferred school was of more than 250 km.

In view of the above, the petitioner made a representation dated September 19, 2019 before the Commissioner praying for a recommendation that his name may be recommended for any school within the district – Purba Medinipur in terms of a notification published on November 9, 2019.

The petitioner then participated in a second selection process where he was selected the said school at Muraboni Netaji High School, Paschim Medinipur.

Considering the submissions made on behalf of the appearing parties and considering the materials on record, this Court is of the considered view that the grievance at present of the petitioner can be redressed if the said representation of the petitioner, **Annexure-P9** dated September 19, 2019 is directed to be disposed of by the appropriate authority of the respondents with a reasoned decision/order.

Accordingly the respondent no.2 shall dispose of the representation of the petitioner dated September 19, 2019, **Annexure-P9** to the writ petition upon giving a

prior hearing notice of at least seven days to the petitioner and after granting an opportunity of hearing to the petitioner, the respondent no.2 shall pass a reasoned decision/order on the issue.

The entire exercise as directed above shall be carried out and completed by the respondent no.2 strictly in accordance with law within a period of eight weeks from the date of communication of this order.

The respondent no.2 then communicate his reasoned decision/order to the petitioner within a further period of two weeks from the date of such reasoned decision/order to be passed.

In the event the said reasoned decision/order goes in favour of the petitioner then the respondent no.2 shall take all further steps and necessary steps to give effect to the said reasoned decision/order in favour of the petitioner positively in accordance with law within a further period of six weeks from the date of the said reasoned decision/order be communicated to the petitioner.

It is further made clear that this Court has not gone into the merits of this writ petition. The petitioner will be at liberty to urge all points relying upon whatever documents and records he wishes to rely upon at the time of hearing before the respondent no.2.

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

On the above terms, this writ petition, **WPA 19943 of 2019** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)