

Court No. 22
29.11.2022
(Item No. 42)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 22683 of 2022

Smt. Indrani Sen
VS
The State of West Bengal & Ors.

Mr. Shamum-ul Bari
..... for the petitioner
Ms. Piyali Sengupta
..... for the State

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

Mr. Anjan Bhattacharya, learned advocate for the writ petitioner moves this writ petition.

Despite service none appears for the respondents.

Ms. Piyali Sengupta, learned advocate for the State is present who normally appears in this type of matters. She is requested to appear in this matter and hold the brief and her appearance is directed to be regularized by the office of the learned Government Pleader forthwith.

The petitioner claims that, she is working as an **Assistant Professor** at **Karimpur Pannadevi College, District Nadia**. She seeks general transfer.

Mr. Bari, learned advocate for the petitioner submits that, repeated applications and representations were made since September 2021, **Annexure P-3** to the writ petition onwards claiming

such transfer but the State authority did not pay any heed thereto.

In view of the above, the respondent No. 2 is directed to consider the applications of the petitioner namely, **Annexure P-3, P-4 and P-5** to the writ petition upon giving at least seven days prior hearing notice to the petitioner and the respondent Nos. 3, 4 and 5 and after giving them an opportunity of hearing the respondent No. 2 shall pass its reasoned order/decision on the issue.

The College authority shall also file a written notes on the issue before the respondent No. 2 indicating the subject being taught by the petitioner, how many students and how many Teachers are available for the subject in the College which shall also indicate the pros and cons and effect of the transfer of the petitioner and its effect on the College and the students of that particular subject. All such factors should be considered by the respondent No. 2 while taking a reasoned decision on the issue.

The entire exercise as directed above, to be carried out and completed by the respondent No. 2 within a period of eight weeks from the date of communication of this order. The respondent No. 2 then shall communicate its reasoned order to the petitioner and the relevant College authority within a further period of two weeks from the date of the said reasoned order to be passed.

In the event, the decision goes in favour of the petitioner for transfer then the relevant authority shall take all further consequential steps forthwith.

It is made clear that, this Court has not gone into the merit of the claim of the petitioner in any manner. The petitioner shall be at liberty to urge all the points whatever she wishes to argue and whatever documents and records it wishes to rely upon before the respondent No. 2. The College authority shall also be at liberty to refer whatever documents or records it wishes to rely upon before the respondent No. 2.

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 in favour of the petitioner, if she is found otherwise not eligible for transfer.

On the above terms, this writ petition being **WPA 22683 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.)