

Court No. 22
20.12.2022
(Item No. 67)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 27494 of 2022

Sadia Yeasin
VS
The State of West Bengal & Ors.

Mr. Sahid Uddin Ahmed
Mr. Anupam Bar
..... for the petitioner
Ms. Chaitali Bhattacharya
Mr. Kartik Chandra Kapas
.....For the State
Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
.... For Madrasah Service Commission

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

The petitioner claims to be an **Assistant Teacher** at **Chhaighari Girls High Madrasah (H.S.), Murshidabad**. She sought for transfer. She found her name was not included in the general transfer list 2021 though she claimed that, she had completed all the formalities in accordance with law. The petitioner claimed that, she submitted her representation dated September 6, 2022 before the Secretary of the respondent No. 3 and the same had not received any attention yet.

Considering the submissions recorded above and on perusal of materials on record, to sub-serve justice, the Secretary of the respondent No. 3 shall consider the said representation of the petitioner dated September 6, 2022, **Annexure P-4** to the writ

petition after issuing at least seven days prior hearing notice to the petitioner and respondent Nos. 5 and 6 and then after giving them an opportunity of hearing shall come to a reasonable conclusion with a reasoned order/decision on the issue strictly in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the Secretary of the respondent No. 3 positively within a period of six weeks from the date of communication of this order by the petitioner and then the respondent No. 3 shall communicate its reasoned decision/order to the petitioner and the respondent Nos. 5 and 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 and respondent Nos. 5 and 6 shall be at liberty to urge whatever points they wish to urge and will be at liberty to rely upon whatever records and documents they wish to rely upon before the respondent No. 3.

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 to

receive her claim for transfer in the light of the representation dated **September 6, 2022** strictly in accordance with law.

On the above terms, this writ petition being **WPA 27494 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.)