

10.01.2022
Item no.35
Court No.1.
S. De

Through Video Conference

Circuit Bench of Calcutta High Court at Jalpaiguri.

W.P.A. 1131 of 2021

Quazi Tahamina Fatema.

Vs

The State of West Bengal & Ors.

Mr. Subhrangsu Panda,
Mr. Rahul Singh, ...for the petitioner.

Mr. Prasenjit Mukherjee ...for Madrasah Service
Commission.

Mr. Raja Saha ...for the respondent.

Learned advocate for the writ petitioner submits that pursuant to this Court's direction dated December 1, 2021, service has been effected on all the respondents. The petitioner undertakes to file affidavit-of-service in Court in course of the day.

The petitioner is a teacher in the respondent no.8, Madrasah. She applied for general transfer and has been found eligible. The petitioner could not be called for counseling by the Madrasah Service Commission because she could not produce the "No Objection Certificate" from the respondent no.8, Madrasah.

In spite of service, nobody appears for the concerned Madrasah. Mr. Panda, learned advocate appearing for the petitioner draws to my attention a letter dated March 19, 2021 (annexure P-10 to the writ

petition) written by the concerned Madrasah to the petitioner stating therein that “No Objection Certificate” could not be issued in favour of the petitioner because of dearth of teachers in the said Madrasah.

It is fairly well-settled that if the petitioner has been found eligible for general transfer otherwise, she cannot be forced to serve the present Madrasah because of alleged dearth of teacher at the said Madrasah. The respondent no.8 is directed to issue requisite “No Objection Certificate” to the petitioner immediately and in any event within a week from the date of receipt of a copy of this order from the petitioner.

The concerned Madrasah shall be at liberty to apply before the Chairperson, West Bengal Madrasah Service Commission through proper channel for filling up any vacancy in the said Madrasah.

The petitioner, at the time of making on-line application for general transfer, could not submit the soft copy of the “No Objection Certificate” because the same was not available with her. The Madrasah Service Commission is directed to accept hard copy of the “No Objection Certificate” from the petitioner as and when produced.

Since no affidavit has been called for the allegations contained in the writ petition are deemed not to be admitted.

Accordingly, W.P.A 1131 of 2021 is disposed of.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)