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07.03.2022
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A 2112 of 2021
(Via Video Conference)**

**Indu Saha
-versus
State of West Bengal & Ors.**

**Mr. Subir Sanyal,
Mr. Arijit Bakshi,
Mr. Debajit Kundu.
...For the Petitioner.**

**Mr. Subir Kumar Saha,
Mr. Pretom Das.
...For the State.**

**Mr. Santanu Kumar Mitra.
...For WBBSE.**

**Mr. Partha Chakrabarty,
Mr. Manish Kant Shaw.
...For the Respondent No.9.**

**Mr. Saktipada Jana,
Mr. Subhankar Dutta.
...For the Respondent No.8.**

Report on behalf of the Teacher-in-Charge and report of the District Inspector of Schools (S.E.), Alipurduar filed in Court today be retained with the record.

Petitioner seeks transfer. The allegation of the petitioner is that the erstwhile Teacher-in-Charge of the school being the respondent no. 9 herein intentionally and deliberately did not forward the application of the petitioner for transfer. On the contrary, he proceeded with his own application for transfer and he got himself

transferred to a different school whereas the petitioner, who is also seeking transfer was not considered for transfer at all.

Admittedly, the erstwhile Teacher-in-Charge of the school is no longer holding any position in the school in question. The application of the petitioner could not be forwarded due to want of 'No Objection Certificate' from the Managing Committee of the School. The present Teacher-in-Charge has joined the school.

Learned advocate representing the School and the Teacher-in-Charge submits that the application of the petitioner may be considered in accordance with law.

Without going into the issue as to whether the application of the petitioner was deliberately not processed for transfer or whether there was any role on the part of the erstwhile Teacher-in-Charge to proceed with the application of the petitioner for transfer in the right earnest, the Court thinks it fit, for ends of justice, to direct the present Administrator and the Teacher-in-Charge of the School to take prompt necessary steps to process the application for transfer made by the petitioner on 3rd August, 2021 followed up by further requests from time to time in accordance with the rule which was prevailing at the time when the application for transfer was made.

Necessary steps for issuance of 'No Objection Certificate' by the school shall also be taken at the earliest and the administrator shall ensure that the process of transfer is concluded positively within a period of six weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)