

11.11.2022.
Item no. 2.
Court No. 13
ap

1 IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Special Civil Jurisdiction (Contempt)
Appellate Side

CPAN 60 of 2022
In
W.P.A. No. 993 of 2022

Bhaskar Sen
Versus
Mr. Siddhartha Majumdar

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das.

..For the petitioner.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey.

...For the alleged contemnor.

The alleged contemnor, Mr. Siddhartha Majumdar, has filed an affidavit of purported compliance. The same is kept with the record.

It appears from page 3 of the affidavit and Annexures at pages 9 and 10 thereof that one Ashish Chakraborty has made an application for transfer on medical grounds on 16th October, 2021 to the same Matigara Harasundar High School, Siliguri. It further appears that the petitioner has opted for the said School as a first preference.

Endorsement on “Utsashree” Portal indicates that the application is lying with the Head of the Institution as on 16th October, 2021. The petitioner’s

recommendation to the School of third choice was made on 25th February, 2022.

The above facts clearly indicate that the application of one Ashish Chakraborty had not been processed at all as on the date of the recommendation of the petitioner to the third preference School.

The petitioner had, therefore, become entitled to be posted at Matigara Harasundar High School, Siliguri in view of available vacancy.

In those circumstances, the respondent Commission shall immediately recommend the posting of the petitioner to Matigara Harasundar High School, Siliguri as a teacher in Physical Science/Pure Science.

Upon receipt of the recommendation from the Commission, the Board shall forthwith issue the order of transfer. The petitioner shall thereafter immediately join the said Matigara Harasundar High School, Siliguri.

Dr. Patra, Counsel appearing on behalf of the Commission submits that the said “Utsashree” Portal is closed as on the date and can only reopen at the end of December, 2022.

The aforesaid orders shall be passed by the Commission and the Board, as directed by this Court, in physical form and appropriate entry shall be uploaded once the Portal reopens after December, 2022.

The earlier recommendation and/or order of transfer dated 25th February, 2022 of the petitioner to Fulbari High School, Jalpaiguri shall stand quashed.

If, however, the petitioner has joined the Fulbari High School, Jalpaiguri, the records of the petitioner's service shall be transferred by Fulbari High School, Jalpaiguri to Matigara Harasundar High School, Siliguri.

With the aforesaid directions, the instant application shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)