

31 16.5.2023
Sc Ct. no.22

WPA 1473 OF 2023

Sujit Paik

Vs.

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

....For the Petitioner

Ms. Chama Mookherji

Mr. Siraj Gupta.

....For the State

Mr. Sourav Mitra

.... For the SSC

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

Mr. Sudip Ghosh Chowdhury, learned advocate appearing for the petitioner referring to page 27 to the writ petition submitted that, the communication dated June 15, 2022 issued by the respondent no.4 would show that, the mutual arrangement was made.

Ms. Chama Mookherji, learned counsel appeared for the respondent nos. 1, 2 and 4.

Mr. Sourav Mitra, learned counsel appeared for the respondent no.3.

Both the learned counsel appeared for the respondents as mentioned above, had submitted that, this document was of dated **June 15, 2022**, hence the current situation and status needs to be ascertained by the respondent no.2 for taking steps thereunder.

In view of the above, the respondent no.2 shall take a reasoned decision in the light of the content of the document dated **June 15, 2022 at page 27 to the writ petition** in terms of the claim for transfer made by the petitioner.

While taking a decision, the respondent no.2 shall serve at least a seven days' prior hearing notice upon the petitioner, respondent no.5 and the appropriate authority of the **Nayapul Sudhir Kumar High School, District – Purba Medinipur** and also Mr. **Goutam Sing**, the Assistant Teacher of the said **Nayapul Sudhir Kumar High School, District – Purba Medinipur**, mentioned in the said document at **page 27 to the writ petition** and thereafter shall hear them and pass its reasoned order strictly in accordance with law.

It is made clear that, while taking a decision on the issue, the respondent no.2 must bear in mind the **Pupil Teacher Ratio** for both the schools and such factor in detail shall find place in his finding in the reasoned decision.

It is made clear that, this order shall not create any right or equity in favour of the petitioner if he is not eligible to receive his claim of transfer strictly in accordance with law.

The entire exercise as directed above shall be carried out by the respondent no.2 within a period of eight weeks from the date of communication of this order

and the respondent no.2 shall communicate its reasoned order to the petitioner, and the other attending parties, mentioned above within a further period of one week from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner, the respondent no.2, the Chairman, West Bengal Central School Service Commission shall take all necessary and consequential steps to give effect to the said reasoned order forthwith.

It is made further clear that, this Court had not gone into the merits of the claim of the petitioner in any manner.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition, **WPA 1473 of 2023** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)