

Court No. 22
17.5.2023
(Item No. 62)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 5844 of 2023

Debasree Kundu
VS
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
... for the petitioner
Ms. Sanghamitra Nandy
Mr. Bidhan Biswas
..... for the State

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

The petitioner working as an Assistant Teacher at **Chopra Girls' High School District – Uttar Dinajpur** on **February 13, 2023, Annexure P-7** at **page - 36** to the writ petition. She applied before the respondent No. 7 for transfer on the ground being victim of an alleged crime. The relevant school had given its “no objection” appearing at **page 43** to the writ petition.

Mr. Sakti Pada Jana, learned counsel appearing for the petitioner submitted that the respondent No. 7 has not taken any decision on the said pending application.

Ms. Sanghamitra Nandy, learned counsel appeared for respondent No. 1.

None appeared for rest of the respondents, despite service.

In terms of the **West Bengal School Service Commission (General Transfer, Transfer on Special Ground and Reallocation) Rules, 2015** the respondent No. 6 through its appropriate authority shall consider the application of the petitioner dated **February 13, 2023, Annexure P-7** at **page 36** to the writ petition upon giving at least seven days prior hearing notice to the petitioner and the respondent No. 9 and after giving them an opportunity of hearing shall decide the issue by passing its reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent No. 6 positively within a period of six weeks from the date of communication of this order.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner whatsoever and the petitioner and the relevant School shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records before the hearing authority of the respondent No. 6.

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

In the event, the reasoned order goes in favour of the petitioner, the respondent No. 7 and the respondent No. 3 shall take all further and consequential steps to give effect to the said reasoned order positively within a further period of four weeks from the date of communication of the said reasoned order.

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

It is made clear that, while considering the case for transfer of the petitioner the hearing authority of the respondent No. 6 must take all relevant factors into account.

On the above terms this writ petition being **WPA 5844 of 2023** 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.)