

79 16.8.2023
Ct-08

FMA 588 of 2022
with
I.A No. CAN 2 of 2022

ar **The Sate of West Bengal & Anr.**
Vs.
Haradhan Saren & Ors.

Mr. Sanjib Das
Mr. Madhusudan Mukhopadhyay
... For the Appellant/State

Mr. Joyak Kumar Gupta
Mr. Nandadulal Bandyopadhyay
... For the Respondent no. 1/
Writ Petitioner

1. In view of the fact that the writ petitioner admittedly residing beyond 25 kms. The embargo shown by reason of amendment in 2015 with regard to general rule of transfer, it would not be applicable to the writ petitioner. Moreover, it is stated on behalf of the writ petitioner that there is an exemption under Section 15A of the West Bengal School Service Commission Act, 1997 for a limited period of five years and must have expired in 2017.

2. There is no material available on record contrary to the statement made on behalf of the writ petitioner. In any event under the 2015 amendments regulation with regard to the general rule of transfer the writ petitioner confirms the requirement and is entitled to mutual transfer at the relevant point of time.

3. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

4. In view of the above, the appeal being FMA 588 of 2022 stands dismissed.

5. In view of dismissal of the appeal nothing remains to be decided in the application for stay being CAN 2 of 2022 and the same is accordingly dismissed.

13. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

