

40 16.5.2023
Sc Ct. no.22

WPA 10398 OF 2023

Sri Arup Kumar Das

Vs.

The University of Calcutta & Ors.

Mr. Sabyasachi Mukherjee
Ms. Debarati Choudhury
Mr. Bibek Dey
Mr. Mukesh Khanna
Mr. Syed Neaz Ahmed.

....For the Petitioner

Mr. Nilotpall Chatterjee
Mr. Satyaki Banerjee.

....For the Respondent
No.1

Mr. Subhrangsu Panda
Ms. Ina Bhattacharyya
Ms. Mithu Singha Mahapatra.

....For the Respondent
Nos. 2 to 7

The petitioner claimed to have been appointed for the post of whole time Assistant to the Accountant. The petitioner is aggrieved by the decision of the employer that for an inter departmental transfer.

On instruction, Mr. Subhrangsu Panda, learned counsel appearing for the respondent nos. 2 to 7, the relevant college submitted that, it is within the same premises even in the adjacent building where he is working at present.

The petitioner submitted that, he is at present posted at the Library of the relevant college though he did not have any specialised degree to manage the affair of the Library.

After considering the submissions and materials on record it appeared to this Court that, there was no transfer

in fact insofar as the employment of the petitioner was concerned. No case of fraud or malice had been made out as required to be made out in law in the writ petition against the employer by the petitioner. The petitioner cannot choose his posting or nature of work at his own whims and fancy. It is the discretion of the employer.

This writ petition is totally misconceived, harrassive, frivolous and is liable to be and should be dismissed in limine.

Accordingly, this writ petition stands dismissed, without any order as to costs.

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

(Aniruddha Roy, J.)