

Court No.22

**17.4.2023**

(Item No. 133)

(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A. 10169 of 2022**

Joydev Ganguly

VS

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

.... For the petitioner

Ms. Anwari Quraishi

Ms. Zainab Tanur

... For the State

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for SSC

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

Ms. Anwari Quraishi, learned advocate appeared for the State.

Dr. Sutanu Kumar Patra, learned counsel appeared for respondent No. 3.

Referring to **Annexure P-7** at **page 23** and the Annexure at **page 26** to the writ petition read with the pleading made in **paragraph 7** in the writ petition, Mr. Sudip Ghosh Chowdhury, leaned counsel for the petitioner submitted that, the petitioner applied for **General Transfer** allegedly on the medical ground of his wife as would be evident from his application at **page 23** to the writ petition and submitted application before the respondent No. 5 along with other statutory authorities.

He submitted that, said application had not yet received any attention of the relevant school authority.

It is noted that since the petitioner did not complete the five years of service tenure in terms of the Transfer Rule 2015, he could not avail of the **‘Utsashree Portal’** but because of the alleged medical emergency he sought for transfer.

In view of the above, the respondent No. 5 and/or respondent No. 6 are directed to consider the application of the petitioner dated **May 23, 2022, Annexure P-7** at **page 23** to the writ petition and decide the same by passing a reasoned decision.

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

The respondent No. 5 and/or 6 shall decide the issue strictly in accordance with law by applying their independent mind and without being influenced by any observation made in this order.

It is made clear that, this Court has not gone into the merits of the claim for transfer alleged by the petitioner in any manner.

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

The respondent No. 5 and/or 6 shall positively pass a reasoned order within a period of six weeks from the date of communication of this order and shall communicate the same to the petitioner within a

further period of one week from the date of the said reasoned order to be passed.

On the above terms, this writ petition being **WPA 10169 of 2022** 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.)**