

06 13.10.2023
rkd Ct.15

W.P.A. 12078 of 2023

Sk. Samir Kumar

-vs-

The State of West Bengal & Ors.

Mr. Bhagbat Chaudhuri

....for the petitioner.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

....for the Board.

Mr. Rajendra Chaturvedi,
Ms. Srisani Mukherjee

....for the State.

Mr. Saibal Acharyya,
Mr. Tanweer J. Mandal

....for the DPSC.

The writ petition is heard in presence of the learned advocates representing the petitioner, West Bengal Board of Primary Education, State Respondents and District Primary School Council, Purba Bardhaman.

Mr. Chaudhuri, learned advocate representing the petitioner submits that he is working in a Primary School under Raniganj Circle, District-Paschim Bardhaman and has made an application on 25th August, 2022 before the concerned respondent authorities seeking transfer to a school situated in the district of Purba Bardhaman on medical ground of his wife.

It has been submitted that previously application was made by the petitioner on

Utsashree Portal for transfer but the said application was returned to the Sub-Inspector of School, Raniganj Circle which prompted the petitioner to approach this Court along with the present writ petition.

The learned advocates representing the West Bengal Board of Primary Education as well as the District Primary School Council, Purba Bardhaman have jointly submitted that Utsashree Portal on which petitioner previously made an application for transfer is suspended up to 31st December, 2023.

It also appears from the instruction which the learned advocate representing the State respondents has received from the concerned District Inspector of Schools (PE), Purba Bardhaman that at present Utsashree Portal is not in operation.

Having considered the submissions made on behalf of the respective parties it appears that during suspension of Utsashree Portal the application has been made by the petitioner seeking transfer on the medical ground of his wife which can be decided by the Deputy Secretary of the West Bengal Board of Primary Education after granting opportunity of hearing to the petitioner or

his representative.

Accordingly the petitioner is directed to submit an application seeking transfer on medical ground of his wife along with supporting medical documents to the Deputy Secretary, West Bengal Board of Primary Education within four weeks from date.

If petitioner submits application for transfer within the aforesaid time the Deputy Secretary of the Board is directed to take decision on such application within four weeks thereafter upon granting opportunity of hearing to the petitioner or his representative and to pass a reasoned order and the same shall be communicated to the petitioner within one week thereafter.

With the aforesaid direction the writ petition stands disposed of.

The learned advocate representing the petitioner is granted leave to amend the cause title of this writ petition and add Deputy Secretary, West Bengal Board of Primary Education as additional respondent in course of this day.

The written instruction dated 27th July, 2023, which the learned advocate for the State respondents has received, is taken on record.

However, there shall be no order as to

costs.

Since no affidavit has been called for the allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)