

WPA 11498 OF 2022

Sariful Islam

Vs.

The State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury
Mr. Avijit Kar.

...For the Petitioner

Dr. Sutanu Kr. Patra
Ms. Supriya Dubey.

...For the SSC

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

The petitioner claims to be **an Assistant Teacher for the subject – Bengali**. At present he is working at ***Bhado B.S.B High School (H.S.), District – Malda***. He applied for transfer on August 9, 2021 as would be evident from page 19 to the writ petition. It is to be noted that the Utsashree Portal was declared to be suspended on September 29, 2022. The suspension was extended from time to time and remained suspended till June 30, 2023 as of now.

Since the petitioner applied before the Utsashree Portal was declared suspended, his case may be considered by the appropriate State authority.

None appears for the State.

None appears for the school authorities.

In view of the above, to subserve justice, the respondent no.3 shall consider the case of the petitioner on the basis of the application made by the petitioner at page 26 to the writ petition strictly in the light of the latest notification for transfer dated February 2, 2023 bearing No.216/SE/S/10M-09/2023 dated February 10, 2023 issued by the Principal Secretary, School Education Department after issuing a prior seven days' hearing notice to the petitioner and the respondent nos. 8 and 9 and after giving them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of the claim of the writ petition. The petitioner and the relevant school authority shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent no.3.

It is further made clear that the respondent no.3 shall consider the case of the petitioner strictly in terms of the said latest transfer notification dated February 10, 2023 as referred to above.

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

It is made further clear that this order shall not create any equity or right in favour of the petitioner in the

event the petitioner is otherwise not eligible to receive his claim strictly in accordance with law.

The respondent no.3 shall carry out and complete the entire exercise as directed above, within a period of six weeks from the date of communication of this order and shall communicate its reasoned order to the petitioner and the relevant school authority within a further period of two weeks from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner, the respondent no.3 shall communicate the same to the respondent no.5 positively within one week from the date of the said reasoned order to be passed and the respondent no.5 then shall take all further and consequential steps to give effect to the said reasoned order positively within a further period of four weeks after the said reasoned being communicated to him.

On the above terms, the writ petition, **WPA 11498 of 2022 stands disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)