

Court No.
28.02.2023

(Item No. 196)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 12937 of 2022

Madhumita Dey
VS
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Bina Baidya
Mr. Abhishek Bose
.... For the petitioner

Ms. Piyali Sengupta
Ms. Rupsa Chakraborty
... For the State

Mr. Sutanu Kumar Patra
Ms. Supriya Dubey
... For S.S.C.

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

The petitioner claimed to be an Assistant
Teacher for the subject **Sanskrit at Dhenga-AM High
School (H.S.), District – Bankura**. She applied for
transfer on **June 26, 2022** as would be evident from
page 18 to the writ petition. The relevant school had
forwarded the relevant records and documents
pertaining to the case of the petitioner before the
respondent no. 5. The grievance of the petitioner is
that since then the same is lying at the office of the
respondent no. 5. The respondent no. 5 had not taken
any decision on the same as it was obliged to take a
decision within a statutory period of fourteen days in
terms of the **General Transfer Rule 2015** as
amended from time to time.

The petitioner applied for transfer on **June 26, 2022** through **Utsashree** portal. The Utsashree portal was suspended by the State executive decision on **September 29, 2022** and was extended from time to time till **June 30, 2023**. The application of the petitioner for transfer is admittedly prior to the **Utsashree** portal was suspended.

The application of the petitioner, therefore, may be directed to receive the attention of the appropriate State authority in accordance with law.

Ms. Rupsa Chakraborty, leaned advocate led by Ms. Piyali Sengupta, learned advocate appeared for the State.

Ms. Supriya Dubey, learned advocate appeared for respondent no. 3.

In view of the above, to sub-serve justice, the respondent no. 5 shall decide the issue on the basis of the existing records before it after giving at least seven days prior hearing notice to the petitioner and the respondent no. 6 and after hearing them shall pass a reasoned order in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent no. 5 positively within a period of four weeks from the date of communication of this order.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner. The petitioner and the respondent no. 6,

shall be at liberty to urge whatever points they wish to urge relying upon whatever documents and records they wish to rely upon before the respondent no. 5.

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

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

In the event, the decision goes in favour of the petitioner, then the respondent No. 5 shall forward the records and papers to the respondent no. 4 and respondent no. 3 through offline mode since the **Utsashree** portal stands suspended. In that event, the respondent no. 3 & 4 shall take all further effect in accordance with law as per the prevailing rules and regulations and other statutory provisions by applying their independent mind.

On the above terms, this writ petition being **WPA 12937 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.)