

Sourav Mondal

Vs.

The State of West Bengal & Ors.

Mr. Ujjal Ray
Mr. Sk. Abdur Rahim.

.... For the Petitioner

Mr. Sourav Mitra
Mr. Suman Dey.

.... For the WBCSSC

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

The petitioner as present is working as an Assistant Teacher for the subject '**Physical Education (Pass)**' at respondent no.8 school. He applied for transfer on January 20, 2022, before suspension of the Utsashree portal which was suspended since September 29, 2022. Therefore, the case of the petitioner will not be covered under the plea of suspension of the Utsashree Portal.

In course of the hearing today, Mr. Ujjal Ray, learned counsel had submitted that, **a written communication** made from the office of the respondent no.4 dated **December 8, 2022** mentioning that, an alternative teacher had been arranged for the subject to consider the case for transfer of the petitioner. A copy of the said **written communication dated December 8, 2022** is taken on record and a copy has been handed over to Mr. Sourav Mitra, learned advocate appearing for the respondent nos. 2 and 3.

Learned counsel for the petitioner submitted that, the issue is now pending before the respondent no.3. In terms of an amended notification vide the amendment dated **December 21, 2021**, the respondent no.3 is duty bound to consider the same within a span of three weeks.

Considering the above, to subserve justice, the respondent no.2 through its appropriate authority, upon issuing a prior hearing notice of at least seven days' and after hearing the petitioner, is directed to consider the case of the petitioner by applying its independent mind and shall pass its reasoned decision strictly in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.2, as directed above, within a period of three weeks from the date of communication of this order and the respondent no.2 shall communicate its reasoned order to the petitioner and the respondent no.7 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. 7 and/or any other appropriate authority shall give effect thereto for taking all necessary and consequential steps positively within a period of four weeks from the date of communication of this order to them in accordance with law.

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

On the above terms this writ petition, **WPA 14011 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.)