

19.09.2023
(D/L-30)
Ct.-18
(Susanta)

W.P.A. 14055 of 2023
Sahajahan Rahaman Akunjee
-Vs-
The State of West Bengal & Ors.

Mr. Shamim ul Bari,
..... For the Petitioner.
Mr. Sunit Kumar Ray
..... For the S.S.C.
Mr. Biswabrata Basu Mallick, Ld. AGP,
..... For the State.

Affidavit-of-service filed on behalf of the petitioner be kept with the record, inspite of service, the State is not represented.

Under such circumstances, this Court appoints Mr. Biswabrata Basu Mallick, learned Additional Government Pleader, to represent the State respondents, his appointment be regularized, a copy of the writ petition be served upon him.

The petitioner is an Assistant Teacher in the subject Physical Science (GRAD) at Sonatikuri High School (Sadar), District-Murshidabad.

The petitioner is praying general transfer to any school near to his residence at Baduria, North 24-Parganas on the ground of his illness, illness of his wife, daughter and his parents.

Mr. Bari, learned counsel for the petitioner submits that that petitioner applied for such general transfer through Utsashree Portal but the same was returned by the West Bengal Central School Service Commission on the ground that the

petitioner has not yet completed five years of service in his present school.

Mr. Bari, relying on the decision of a Co-ordinate Bench of this Court submits that the cap of five years is not applicable in case an application for transfer is made on medical ground.

Heard Mr. Bari, perused the materials-on-record.

It appears from the record that the petitioner was recommended for appointment in relation to 1st SLST, 2016 in the year 2019 in his preferred school. There is nothing on record to suggest that the petitioner or his family members have developed their alleged illnesses after joining of the petitioner in the said school, therefore this Court, particularly considering the interest of the students, is not inclined to entertain the prayer of the petitioner.

W.P.A. 14055 of 2023 is dismissed with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)