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WPA 22578 of 2023

Mosammath Rajina
Vs.
The State of West Bengal & Ors.

Ms. Usha Maity
Mr. Sakya Maity
... For the petitioner.

Mr. Pulak Ranjan Mandal
Ms. Bandana Mandal
Mr. Subhrangsu Panda
... For respondent nos. 5-6.

Mr. Biswabrata Basu Mallick, AGP,
Mr. Biman Halder
... For the State.

The petitioner is an Assistant Professor at Pakuahat Degree College at Malda. She made an application before the Director of Public Instruction on December 31, 2021 seeking transfer to Chhatna Chandidas Mahavidyalaya at Bankura on the ground stated therein.

It is grievance of the petitioner that despite such application, till date the same has not been considered by the Director of Public Instruction, West Bengal.

Mr. Biswabrata Basu Mallick, learned advocate appearing for the State, submits that the petitioner joined the college only in November 2019. Therefore, she does not fulfil the condition of five years service in a particular college before making an application for transfer.

The proviso to Rule 3(1) of the West Bengal College (Transfer of Employees) Rules, 2017 provides that “the State Government may for reasons to be recorded in writing, allow an employee for transfer of his own seeking not completing five years, considering the exigencies of the situation and hardship of the employee on special ground.”

In that view of the matter, this writ petition is disposed of with a direction upon the Director of Public Instruction, West Bengal to take a decision with regard to the transfer of the petitioner as prayed for in her application dated December 31, 2021, within a period of two months from the date of communication of this order in accordance with law.

Accordingly, **WPA 22578 of 2023** is disposed of.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)