

23 18.10.2023

Ct-08

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MAT 1903 of 2023

with

I.A No. CAN 1 of 2023

Alok Kumar Nath

Vs.

State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

Ms. Bina Baidya

Mr. Avishek Bose

Ms. Sheyeta Mitra

... For the Appellant/Petitioner

Mr. Jayanta Samanta

Ms. Indumouli Banerjee

... For the State

Mr. A. Bhattacharya

Mr. S. Ghosal

... For the Respondent nos. 5 & 6

Mr. Kanak Kiran Bandyopadhyay

... For the SSC

1. We have heard the learned counsel appearing for the parties.

2. The appeal is arising out of an order dated 19th September, 2023 by which the application for general transfer of the petitioner to any school near to his residence was rejected on merits. Learned Single Judge dismissed the writ petition on the ground that general ground for transfer was not convincing the court.

3. However, having regard to the fact that the authority should take a decision in this regard in view of the relevant rules.

4. We permit the petitioner to file an application before the respondent nos. 5 & 6 and

the respondent nos. 5 & 6 shall consider the application of the petitioner in accordance with the relevant rules within a period of eight weeks from the date of filing of the application.

5. On such consideration, we set aside the order passed by the learned Single Judge.

6. In view of the aforesaid, the appeal being MAT 1903 of 2023 stands disposed of.

7. In view of the disposal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2023 and the same is accordingly disposed of.

8. However, there shall be no order as to costs.

9. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

