

06-01-2023
ct no. 13
Sl. 49
sp

CPAN 1138 of 2022
In
WPA 3539 of 2022

Sajal Mandal
-Versus-
Koushik Roy & Anr.

Mr. Gouranga Kr. Das,
Mr. Debasis Moitra,
.....for the petitioner

Sk. Mujibar Rahaman,
Mr. M.M. Hossain
...for the alleged contemnor no.1

The alleged contemnor no.1 has filed instructions dated December 7, 2022, addressed to the learned State advocate as a report before this Court. The same is taken on record.

It is stated in the report that the prayer for transfer of the petitioner was not forwarded to the Central School Service Commission due to non-availability of the teachers to fill up the vacancy that would be created pursuant to the petitioner's transfer.

This Court is, therefore, of the view that the action of the D.I. of Schools is in terms of the transfer rules.

Given the attempts made by the D.I. of Schools to obtain a suitable teacher from a nearby school to replace the petitioner, there is no contempt committed.

With the aforesaid observations, CPAN 1138 of 2022 shall stand disposed of. Rule, if any, shall stand discharged.

The aforesaid shall not, however, prevent the D.I. of Schools from considering any person to be posted in place of the petitioner, if such person is identified by the petitioner himself. The D.I. of Schools shall, thereupon, take further steps in terms of the order already passed.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)