

07 14.12.2023

Ct-08

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MAT 2155 of 2023

with

I.A No. CAN 1 of 2023

Gopal Mahato

Vs.

The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya

Mr. Aninda Bhattacharya

... For the Appellant

Mr. Jayanta Samanta

Ms. Indumouli Banerjee

... For the State

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... For the WBCSSC

Ms. Koyeli Bhattacharyya

... For the WBBSE

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

2. The petitioner/appellant is an Assistant Teacher in Education(H/PG) in Panchanantolla High School, District-Purba Burdwan.

3. The petitioner applied for general transfer but no decision was ultimately taken on the said application. However, the petitioner on the introduction of the Utsashree Portal applied for such general transfer but same is still pending. Presently the Portal is under suspension. Learned Single Judge has declined to pass any order taking into consideration the suspension of the Portal.

4. We are of the view that in the event the petitioner is entitled to general transfer when he made his application, the suspension of the Portal subsequent thereto could not be a ground of denying the general transfer. Accordingly, we dispose of the appeal by giving liberty to the petitioner to make an application offline to the District Inspector of Schools (S.E), South 24 Parganas with all relevant papers. The School authority shall produce all relevant papers to the D.I.

5. Mr. Kamalesh Bhattacharya, learned counsel for the appellant, has drawn our attention to a communication from the office of the West Bengal Central School Service Commission to the District Inspector of Schools(S.E), South 24 Parganas intimating the vacancy status of the school for the petitioner. However, the said communication was not processed thereafter. We do not find any explanation on behalf of the respondent authorities for not complying with the requisition sent by the West Bengal Central School Service Commission to District Inspector of Schools(S.E), South 24 Parganas.

6. Under such circumstances, we direct the District Inspector of Schools(S.E), South 24

Parganas to decide the application filed by the petitioner offline in accordance with the relevant rules and circulars as applicable to the petitioner. In the event the petitioner/appellant is found to be eligible for transfer, the vacancy should be ascertained and shared with the petitioner in order to enable the petitioner to exercise his option.

7. The entire exercise shall be completed within a period of six months from date.

8. With the above direction, the appeal being MAT 2155 of 2023 stands disposed of.

9. In view of 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.

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

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

(Uday Kumar,J.)

(Soumen Sen, J.)

