

05-04-2023
Court No.2
Sh/38.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.PA. 320 of 2023

Jajati Roy
-Vs-
The State of West Bengal & Ors..

Mr. Narendra Nath Das,
Smt. Binapani Singha,
Mr. Madhab Kumar Roy,
Mr. Jagesh Roy.
..For the Petitioner.
Mr. Bikramaditya Ghosh,
Mr. Momenur Rahaman.
.. For the State.

The petitioner claimed to an Assistant Teacher at **Lalnagar High School, District Murshidabad**. The petitioner sought for transfer from the said School through Utsashree Portal. The claim for transfer of the petitioner was rejected by the respondent no.2 on the ground that the petitioner had not completed five years continuous service in terms of Rule 3(1) of the **West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015**.

The respondent no.2 and or 3, who rejected the claim of the petitioner through respective Offices at Salt Lake, Sector-III.

The relevant School wherefrom the transfer was sought for is at Murshidabad.

Mr. Narndranath Das, learned counsel appearing for the petitioner submitted that, since the petitioner is a resident of Jalpaiguri and sought for the proposed transfer at Jalpaiguri and the School Service

Commission having jurisdiction all over the State, the petition is maintainable before this Circuit Bench.

Considering the cause of action in this writ petition challenging the action of the respondent authorities and considering the provision laid down under Article 226(2) of the Constitution of India read with the relevant Writ Rules framed by the Hon'ble High Court, this Court is of the view, this Circuit Bench has no jurisdiction on the subject matter of this writ petition.

In view of the above, this **Writ Petition, WPA 320/2023** cannot be maintained before this Circuit Bench.

In view of the above, this writ petition **WPA 320 of 2023 stands dismissed as withdrawn** with liberty to file afresh on the self-same cause of action before the Principal Bench.

(**ANIRUDDHA ROY, J.**)