

S/L 1
08.01.2025
Court. No. 3
Suvayan

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

WPA 1356 of 2022

**Moumita Saha
Vs.
The State of West Bengal & Ors.**

*Mr. Ekramul Bari
Mr. Sk. Imtiaz Uddin
Ms. Rinka Chakraborty*

...for the petitioner.

*Mr. Subir Kumar Saha
Mr. Momenur Rahman*

...for the State.

1. At the very outset Mr. Bari, learned Advocate for the writ petitioner draws attention of this Court to the server copy of the order dated 12.06.2024 as passed in MAT 51 of 2024. It is submitted that in the said appeal the order dated 22.11.2023 as passed in the instant writ petition by a co-ordinate Bench was impugned and while disposing the MAT 51 of 2024 the Hon'ble Division Bench by its judgment and order dated 12.06.2024 set aside the order dated 22.11.2023 in respect of CAN 1 of 2023 and remanded the said CAN 1 of 2023 for reconsideration.
2. On being asked Mr. Bari further submits that on the early occasion that is on 03.07.2024 the order and judgment dated 12.06.2024 as passed in MAT 51 of 2024 could not be placed which is why another co-ordinate Bench of this Court has again passed an order of dismissal of the instant writ petition.

3. Mr. Bari thus submits that in view of the order and judgment dated 12.06.2024 as passed in MAT 51 of 2024 the previous order dated 03.07.2024 has become redundant. He further submits that CAN 1 of 2023 which has been remanded to this Court by the Division Bench may be taken up for hearing.
4. Mr. Momenur Rahman, learned Advocate appearing for the State concedes with the request as made by Mr. Bari.
5. In view of such, the interim application being CAN 1 of 2023 as filed in the instant writ petition is treated to be taken as today's list.

In Re: CAN 1 of 2023

1. This is an application for recalling of the order of dismissal dated 02.03.2023.
2. Perused the petition under consideration. Heard the learned Advocates for the petitioner and the respondents.
3. On careful consideration of the entire materials as placed before this Court it appears that the writ petitioner is successful in making out a case to justify her absence on 02.03.2023 when WPA 1356 of 2022 was taken up for hearing.
4. Consequently, the interim application being CAN 1 of 2023 is allowed.
5. Consequently, the orders of dismissal as recorded on 02.03.2023 as well as on 03.07.2024 as passed in WPA 1356 of 2022 stand hereby recalled.

6. Consequently, WPA 1356 of 2022 is restored to its original file and number.

In Re: WPA 1356 of 2022

1. On consent of both the parties the instant writ petition is taken up for hearing.
2. By filing the instant writ petition under Article 226 of the Constitution of India the writ petitioner has prayed for issuance of an appropriate writ against the respondents/authorities directing the respondent No. 5 to accept the application the writ petitioner for general transfer of medical ground and to forward the same to the respondent No. 3/authority.
3. In course of his submission Mr. Rahman, learned Advocate for the State on instruction submits before this Court that the transfer order of the present writ petitioner has already been issued and the same has been forwarded to the respondent No. 5, i.e., the Headmaster of Chongarkhata Khagribari Junior High School and the same is now lying with the school authority. It is further submitted by him that the writ petitioner may be directed to collect the said transfer order from the school authority where the present writ petitioner is working.
4. In view of the submissions as made at the Bar this Court while disposing the instant writ petition permits the writ petitioner to collect the transfer order from the respondent No. 5 after going to her

place of employment i.e., at Chongarkhata Khagribari Junior High School preferably within a month from today and in the event the writ petitioner approaches the respondent No. 5 personally by remaining present herself before the school authority, the respondent No. 5 is directed to handover the said transfer order of the writ petitioner forthwith to the writ petitioner.

6. Before parting with, this Court directs the respondent No. 3, i.e., the D.I. of Schools (SE), Coochbehar to monitor the entire matter so that no inconvenience is caused to the writ petitioner in collecting the transfer order from the respondent No. 5 and to join in the transferee school as per the said transfer order.
7. Learned Advocate for the respondents/State is hereby requested to forward a server copy of this order to the respondent No. 5, i.e., the Headmaster of Chongarkhata Khagribari Junior High School as well as to the respondent No. 3, i.e., the D.I. of Schools (SE), Coochbehar for their immediate compliance.
8. Both the aforementioned respondent Nos. 5 and 3 are directed to act on the server copy of this order within a month from today.
9. With the aforementioned observations, the instant writ petition being **WPA 1356 of 2022** is hereby disposed of.

10. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)