

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

6 15.09.2023
spal Ct. no. 2

WPA/1225/2023

**BIKASH PRASAD
VS
THE STATE OF WEST BENGAL
AND ORS**

Mr. Sudip Ghosh Chowdhury
...For the Petitioner

Mr. Hirak Barman
Mr. Pretom Das
...For the State

Mr. Bikramaditya Ghosh
...For the SSC

The grievance of the petitioner pertains to a transfer order inter alia transferring the petitioner to Union Academy High Kalchini vide a notice as Assistant Teacher.

It is submitted on behalf of the petitioner that the petitioner was teaching Geography in Dhupguri High School and has been transferred pursuant to a communication dated 15 December, 2021 issued by the West Bengal School Service Commission. However, there is no post at the Higher Secondary level at the Union Academy High Kalchini. This has resulted in the petitioner teaching at the Madhyamik Level. By a letter dated 16 February,

2023, the petitioner has written to the Union Academy High Kalchini and has sought for consideration of his representation.

The School Service Commission is represented and submits that the proper authority to consider the representation of the petitioner is the School Service Commission and not the respondent no.3.

It is also submitted on behalf of the School Service Commission that if the petitioner makes a representation to the School Service Commission, the same would be considered in accordance with law.

In such circumstances, WPA/1225/2023 stands disposed of by granting liberty to the petitioner to make a representation to the School Service Commission with respect to the petitioner's grievance within a period of seven days from date. If such representation is made, the same shall be considered and disposed of in accordance with law.

It is made clear that this Court has not gone into the merits of the case and that the School Service Commission is at liberty to decide the grievance of the petitioner strictly in accordance with law without being influenced by any observations made on the merits of the case.

With the aforesaid directions,
WPA/1225/2023 stands disposed of.

(Ravi Krishan Kapur, J.)