

07.02.2024
Item No.32.
Court No.26.
AB

WPA 692 of 2016

**Mita Mandal
Vs
The State of West Bengal & Ors.**

Mr. Uttiya Rayfor the Petitioner.

Heard Mr. Ray, learned Counsel appearing for the petitioner.

This writ petition has been filed praying for the following relief:

“A Writ in the nature of Mandamus, directing the respondent authorities and/or their men, agents and servants, more particularly the respondent nos.3 to 6, to issue and/or cause to issue formal release order to the petitioner forthwith so as to allow her to join at her transferred posting in accordance with law.”

Learned Counsel further submits that it is the case of the petitioner that in terms of the West Bengal Primary Education (Transfer of Teacher including Head Teacher) Rules, 2002, the petitioner made an application for inter district transfer from the post of Assistant Teacher of Primary at Monpura Primary School under Purulia District Primary School Council to the post of Assistant Teacher of Primary at Udaypally GSFP School under the Burdwan District Primary School Council on 25.10.2011.

Considering his case, the respondent no.2 passed an order directing transfer of the petitioner.

Pursuant to the order passed by the respondent no.2, the respondent no.7 also issued the letter of appointment on transfer in favour of the petitioner on 27.11.2015. In the said letter, it was stated that the petitioner should join the new post by 23.12.2015 with the release order from the respondent no.3.

Even after the above order was passed by the respondent no.2, the respondent no.3 has not released the petitioner enabling him to join in the transferred place on or before 23.12.2015.

Therefore, the petitioner has approached this Court seeking a direction on the respondent no.3 to issue the release order in his favour.

When the matter was taken up for hearing on 1.2.2016, this Court passed an elaborate order after hearing learned Counsel for the parties. On the same day, a direction was issued to the respondent no.3 to issue release order in favour of the petitioner within a week from the date of communication of this order.

Since the petitioner could not join the transferred post within the stipulated time pursuant to the memo dated 27.11.2015 issued by the respondent no.7, the date of joining was extended for a period of three weeks from date. This Court also directed the respondents to file affidavit in opposition within four weeks.

After the order dated 1.2.2016, there was an endorsement dated 19.8.2016 wherefrom it appears that no affidavit in opposition or reply has been filed as yet. Even today no affidavit in opposition has been filed.

Learned Counsel for the petitioner submits that pursuant to the order dated 1.2.2016, the release order was issued by the respondent no.3 and the petitioner joined within the time prescribed by this Court.

Since the direction sought for in this writ petition is complied with, filing of affidavit in opposition is not necessary and the writ petition becomes infructuous.

Accordingly, the writ petition is dismissed having become infructuous.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(M. V. Muralidaran, J.)