

10.05.2024
rpan/10

MAT 361 of 2024
+
IA No.: CAN No. 1 of 2024
Soma Mukherjee
– Versus –
The State of West Bengal & Others

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra
... for the Appellant.

Mr. Biswabrata Basu Mallick,
Mr. Sayan Ganguly
... for the State/Respondents.

Mr. Sourav Mitra
... for the CSSC.

The present appeal has been preferred challenging an order dated 8th February, 2024 passed by the learned single Judge in a writ petition being WPA 651 of 2024. Let the supplementary affidavit, as filed, by the appellant be kept on record.

Mr. Ghosh Chowdhury, learned advocate appearing for the appellant submits that the impugned order was passed without taking into consideration the amendment, as effected, *vide* notification dated 29th September, 2022 in the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015. Application of the amended provisions, would entitle the appellant for transfer as she would come within the 10% of total number of teachers. Such issue, as urged, was glossed

over by the learned single Judge and no finding was returned on the same.

Mr. Basu Mallick, learned advocate appearing for the State respondents submits that the appellant had stated the distance between the present school and her permanent address to be 42 kms in the proforma application whereas in paragraphs 5 and 8 of the stay application the distance has been stated to be 180 kilometers. In view of such discrepancies the appellant's claim needs to be rejected.

Mr. Mitra, learned advocate, enters appearance on behalf of the West Bengal Central School Service Commission.

We have heard the learned advocates appearing for the parties and considered the materials on record.

The issue as regards amendment was not a ground in the writ petition and the said issue was also not urged before the learned single Judge. Admittedly, the appellant was not coming within 10% of the teaching staff of the said school.

In the said conspectus, we do not find any infirmity in the order impugned and as such, no interference is called for.

The appeal and the connected application are, accordingly, dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)