

444 01.08.2024
ML Ct.18
KC

W.P.A. 4730 of 2023

Sayan Chowdhury

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. S. Mitra

....for the petitioner.

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee

....for the State.

Mr. Sourav Mitra

....for the WBCSSC.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Matter relates to transfer of the petitioner
on medical ground.

Learned advocate representing the
petitioner submits that his wife is suffering from
ailment which led the petitioner to make
application seeking transfer on medical ground.

Such application for transfer was made on
4th August, 2022 and same was forwarded by the
School Authority to the District Inspector of
Schools (SE), South 24-Parganas and the
concerned District Inspector of Schools (SE) in his
turn on compliance of necessary formalities
forwarded the same to the Office of the West Bengal

Central School Service Commission on 25th August, 2022 for taking final decision on the said transfer.

The grievance of the petitioner is in spite of forwarding the transfer application to the Commission far back on 25th August, 2022 till date no decision has been taken by the Commission.

Respondents are represented by learned advocates who have jointly submitted that perhaps due to suspension of Utsashree portal with effect from 29th September, 2022 contemporaneous decision on the transfer application of the petitioner could not be taken by the concerned authority of Commission.

However, the learned advocate representing the Commission submits that if direction is given upon the Commission the transfer application of the petitioner shall be decided in accordance with law.

Accordingly, the writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission being respondent no.3 to decide the transfer application of the petitioner by four weeks from the date of communication of this order in accordance with law.

The decision to be taken by the Chairman

shall be communicated to the petitioner by one week thereafter.

However, it is made clear that suspension of Utsashree portal shall not be a ground for rejecting the transfer application of the petitioner.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)