

RVW 76 of 2024
with
IA No. 1 of 2024
(Masammath Rajina Vs. State of West Bengal & Ors.)

Ms. Usha Maiti
Mr. Sakya Maity
..... For the petitioner

Mr. Pulak Ranjan Mondal
Ms. Bandana Mondal
Mr. Subhrangshu Panda
..... For the WBCSC

Affidavit-of-service, as filed, be kept on record.

The present application has been preferred seeking review of the order dated 31st January, 2024 passed by this Court in the appeal being MAT 2 of 2024.

Ms. Maiti, learned advocate appearing for the appellant/applicant herein submits that the Hon'ble Court did not consider the case of the applicant in terms of Rule 3 (1) of the West Bengal College (Transfer of Employees) Rules, 2017 (hereinafter referred to as 2017 Rules). The Hon'ble Court also did not take into consideration the fact that the applicant, who has a minor child of about five years, was facing insurmountable difficulties to attend her duties at Pakuahat Degree College at Malda which is about 500 kms away from her native place at Bankura.

She argues that the post of Assistant Professor in Sociology at Chhatna Chandidas Mahavidyalaya is also presently vacant and in consideration of the

insurmountable difficulties faced by the applicant, she may be transferred to the said college. Due to such vacancy, the teacher – pupil ratio at Chhatna Chandidas Mahavidyalaya has also undergone a change. In support of such contention, Ms. Maiti has drawn our attention to a memo dated 18th August, 2024 issued by the competent authority in response to an application submitted by the applicant under the Right to Information Act, 2005.

Per contra, Mr. Mondal, learned advocate appearing for the West Bengal College Service Commission submits that there is no patent error apparent on the face of the records and the parameters prescribed for review do not postulate a rehearing of the dispute.

He argues that the grounds taken in the review application or any other ground analogous thereto do not, in any manner, establish any error whatsoever on the face of the record nor the application for review had been preferred upon discovery of new and important piece of evidence.

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

Records reveal that the applicant submitted a representation under the Right to Information Act, 2005 to the Principal, Chhatna Chandidas Mahavidyalaya on 17th August, 2024. In reply thereto, by a memo dated 18th

August, 2024 she was intimated, *inter alia*, that the post of Assistant Professor in Sociology is presently vacant.

The appeal was dismissed by this Court on 31st January, 2024 and in view of the correspondence referred to hereinabove, it, at best, may be construed that a fresh cause of action has arisen after dismissal of the appeal. In the midst thereof, the applicant has also completed five years of service at Pakurhat Degree College at Malda.

In the said conspectus, we are not inclined to interfere in the present review application and the applicant's prayer for review is refused. It is, however, made clear that as a fresh cause of action has arisen, the applicant would be at liberty to seek redressal before the appropriate forum, if so advised and in accordance with law.

With the above observations and directions, the review and the connected application are disposed of.

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

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

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