

11.09.2024
Court No. 18
Item No.172 (ML)
(Suvendu)

WPA 12779 of 2023

Amit Kumar Pal
-Versus-

The State of West Bengal & Ors.

Mr. Ujjal Ray
Mr. Abdur Rahim
.....for the petitioner

Mr. Amit Gupta
.....for the State

Mr. Sourav Mitra
.....for the WBCSSC

Mr. Sarwar Jahan
Mr. Nayeemul Haque
.....for the respondent nos. 6 & 7

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

Matter relates to transfer of petitioner on medical ground and in this regard an application was made on Utshasre portal on 20th August, 2022. Attention of this Court has been drawn to a document which is at page 20 of this writ petition wherefrom it appears that transfer application of petitioner was forwarded by the school authority where petitioner is presently serving to the concerned District Inspector of Schools. Thereafter the concerned District Inspector of Schools on compliance of formalities forwarded the transfer application through the designated portal to the office of the West Bengal Central School Service Commission on 14th

October, 2022 for taking final decision. According to the petitioner, till date such transfer application has not been decided by the concerned authority of the Commission.

Learned advocates representing the respondents have jointly submitted that contemporaneously decision on transfer application of the petitioner could not be taken due to suspension of Utshasree portal with effect from 29th September, 2022.

However, it has been submitted on behalf of the Commission that if direction is given upon the appropriate authority, transfer application of the petitioner shall be decided in accordance with law.

It is submitted on behalf of the concerned school authority that if petitioner is transferred there will be no teacher in History in the school but in consideration of transfer application of the petitioner which was made on medical ground same was allowed by the school authority by forwarding the same to the concerned District Inspector of Schools (SE).

In view of submissions made on behalf of the parties, the writ petition stands disposed of by directing the Chairman, West Bengal Central School Service Commission, being the respondent no. 2 to take decision on transfer application of the petitioner by eight weeks from date of communication of this order in accordance with law and the decision to be taken by the respondent no. 2 shall be communicated to the petitioner by one week thereafter.

However, transfer application of the petitioner shall not be rejected on the ground of suspension of Utshasree portal.

Leave is granted to the school authority to approach appropriate authorities for early engagement of an Assistant Teacher in History in the resultant vacancy if petitioner is permitted to take transfer to another school.

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

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

(Saugata Bhattacharyya, J.)