

26.06.2024
Court No. 18
Item No. 02
(Suvendu)

WPA 13595 of 2022

Abul Hasan Shahabuddin
-Versus-
The State of West Bengal & Ors.

Md. Salahuddin
Md. Rizauddin
.....for the petitioner

Mr. Subhabrata Das
...for the State

Dr. Sutanu Kr. Patra
Ms. Supriaya Dubey
.....for the WBCSSC

Mr. Arindam Banerjee
....for the private respondent no. 10

The petitioner has preferred the application for transfer on the ground of ailment of his wife. At the time of making application, the petitioner instead of indicating three preferred schools for his transfer only preferred one school named Rampurhat Railway Adarsha Vidyamandir. The grievance of the petitioner is that the petitioner was not favoured with an order of transfer. On the contrary, one, Bibhas Chandra Paul being the respondent no. 10 was

transferred to Rampurhat Railway Adarsha Vidyamandir.

The petitioner by presenting this writ petition has questioned transfer of the respondent no. 10 and has prayed for issuance of mandamus setting aside the order of transfer of the respondent no. 10 to the post of Assistant Teacher in Rampurhat Railway Adarsha Vidyamandir thereby allow the petitioner to be transferred to the said post.

Considering the issue involved in this writ petition, this Court by passing order dated 12th June, 2024 directed the West Bengal Central School Service Commission to file a report in the form of an affidavit which has been filed today. The said report affirmed on 21st June, 2024, is taken on record.

On perusal of the said affidavit, it appears that the respondent no. 10 in connection with transfer to the said post in Rampurhat Railway Adarsha Vidyamandir ranked first and that being the reason, the respondent no. 10 was permitted to be transferred to the said post in the aforementioned school.

It is also averred in paragraph 4(d) of the said report that since the petitioner did not

indicate two other preferred schools which he could have preferred at the time of making application for transfer he was granted opportunity on 11th May, 2022 to indicate two other schools where he is willing to be transferred but according to the facts disclosed by the Commission it appears that the petitioner did not prefer other two schools.

In the writ petition nothing has been elaborated regarding illegality of transferring the respondent no. 10 to the said post in Rampurhat Railway Adarsha Vidyamandir which would persuade this Court to upset the transfer order which has been passed in favour of the respondent no. 10. This Court does not find any anomaly with regard to respondent no. 10 being the first ranked candidate being selected for transfer to the post in question.

In view of aforesaid scenario, this Court refuses to interfere with the order of transfer which has been issued in favour of the respondent no. 10 and accordingly the writ petition stands dismissed, without any order as to costs.

However, this order shall not preclude the petitioner to make application in future seeking transfer in accordance with law.

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

(Saugata Bhattacharyya, J.)