

13.06.2024
Court No. 18
Item No.07
(Suvendu)

WPA 15307 of 2024

Swati Saha
-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
..... for the petitioner

Mr. Sunit Kumar Roy
.....for the WBCSSC

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

The writ petition is heard in presence of
the learned advocates representing the petitioner
and the West Bengal Central School Service
Commission (for short, "Commission").

However, no one is representing the State
respondents.

The grievance which has been ventilated
by the petitioner is non-consideration of the
application of the petitioner which was made on
26th August, 2022 seeking transfer on special
ground due to indisposition of the petitioner who
is an Assistant Teacher of a Government aided
High School. It has been submitted on behalf of

the petitioner that the petitioner completed more than five years of continuous approved service and she has been suffering from serious gynecological disorder which compelled her to make application seeking transfer on medical ground.

Attention of this Court has been drawn to page 33 of the writ petition wherefrom it appears that head of the institution forwarded the application of the petitioner to the concerned District Inspector of Schools and the same was considered by the District Inspector of Schools and transmitted to the Commission for taking final decision. However, it has also been submitted that due to suspension of Utsashree Portal, on which the petitioner made online application seeking transfer on special ground, decision could not be taken by the concerned authority of the Commission.

The Commission is represented by the learned advocate who submitted that if a direction is passed upon the Chairman of the Commission, the application seeking transfer on special ground can be considered manually in accordance with law.

The learned advocate representing the petitioner has also relied upon an order of the Hon'ble Division Bench passed in an intra-court appeal being **MAT 1848 of 2023 (Dipa Paul – Vs- The State of West Bengal & Ors.)** on 12th October, 2023 wherein the Chairman of the Commission was directed to decide the transfer application in off-line mode.

Having considered the submissions made on behalf of the respective parties and on perusal of the relevant documents available on record, the writ petition stands disposed of directing the Chairman of the Commission to decide the transfer application of the petitioner on special ground in off-line within eight weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or her representative. The reasoned order to be passed by the Chairman shall be communicated to the petitioner within one week thereafter.

Leave is granted to the learned advocate for the petitioner to amend the cause-title by adding the Chairman of the Commission as an additional respondent in course of this day. However, service of notice upon the Chairman of

the Commission is dispensed with since the Commission is represented by the learned advocate today.

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 undertaking.

(Saugata Bhattacharyya, J.)