

Ml- 12.06.2024
85 Ct.18
rkd

W.P.A. 14901 of 2022

Banibrata Biswas

-vs-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das

....for the petitioner.

Mr. Sourav Mitra

....for the WBCSSC.

Mr. Supriyo Chattopadhyay,
Ms. Iti Dutta

....for the State.

The matter is heard in presence of the learned advocates representing the petitioner, West Bengal Central School Service Commission and the State respondents.

Petitioner is an Assistant Teacher seeking general transfer. On hearing the learned advocates representing the parties, it appears that before submitting application seeking general transfer petitioner made an application for transfer on special ground due to illness of his wife and the same was processed by the concerned respondent authority and a decision was taken negating the application of the petitioner seeking transfer on special ground as it appears from a document which is annexed at page 53 of the writ petition.

On perusal of the document at page 53 it appears that the head of the institution found the medical verification report was negative whereas the concerned District Inspector of Schools observed that conditions relating to transfer on special ground are not fulfilled while processing the application of the petitioner seeking transfer on medical ground.

It also appears that the petitioner accepted such observation made by the authorities while considering the application of the petitioner seeking transfer on special ground.

Subsequently, the petitioner changed her stand and made an application for general transfer on 25th June, 2022 on Utsashree portal but the said portal was suspended with effect from 29th September, 2022.

It has been submitted on behalf of the Commission that in view of suspension of Utsashree portal with effect from 29th September, 2022 the application of the petitioner for general transfer could not be considered.

In view of aforesaid facts, no relief can be granted at present in favour of the petitioner due to suspension of Utsashree portal with effect from 29th September, 2022. While considering the case of the

petitioner this Court cannot ignore the fact that petitioner first applied for transfer on special ground due to illness of his wife and when such application was rejected accepting such rejection order passed by the authority a fresh application was made seeking general transfer.

In view of aforesaid scenario the writ petition stands dismissed.

However, this order shall not preclude the petitioner to make an application afresh in accordance with law seeking transfer, if situation so permits.

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.)