

08.07.2024
Court No.13
Item No. 50
pk

WPA 14860 of 2023

Smt. Shyamali Kumari
Vs.
The State of West Bengal and others

Mr. Arkadipta Sengupta,
Ms. Aayushi Mukherjee
... for the petitioner.

Mr. Biswabrata Basu Mallick
... for the DPSC, Hooghly

1. Despite the directions, the respondents have not filed affidavit in opposition till date. Affidavit of service filed in Court is taken on record.
2. The writ petitioner is aggrieved by an order of transfer dated 15th June, 2023. The said order is challenged on the ground that the petitioner has been transferred on the ground of misconduct. Till date, no proceedings have been initiated against the petitioner towards such misconduct. It is therefore presumed that the order of transfer could be deemed as penal.
3. Be that as it may, this Court sees that transfer as an alternative to suspension from service for misconduct is an accepted mode of treatment of an employee. From that point of view, the transfer of the petitioner could have been justified. Had it been a contemplation of departmental proceeding and since no proceedings have been instituted against the petitioner for more than in a year now, the

respondents may take a decision in that regard within a period of one month from date, failing which it shall be deemed as if there is no further allegation of misconduct against her.

4. Insofar as the petitioner's claim for being considered for the post of head teacher is concerned, the petitioner has filed an independent writ petition in that regard and hence the same cannot be considered in this proceeding.
5. With the aforesaid observations, the writ petition is disposed of.
6. There will be no order as to costs.
7. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)