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rkd 18.07.2024
Ct.18

W.P.A. 16431 of 2024

Sanjukta Mondal

-vs-

The State of West Bengal & Ors.

Mr. Chandi Das,
Mr. Kaustav Chandra Das

....for the petitioner.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBBSE.

Mr. Supriyo Chattopadhyay,
Ms. Sayantanee Bhattacharjee

....for the State.

Mr. Sunit Kumar Roy

....WBCSSC.

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

Petitioner being a Clerk of a Government
aided school has prayed for transfer on certain
grounds, specially on the ground of distance as it
emanates from the transfer application dated 8th
August, 2023 which is at pages 41 to 43 of the writ
petition. Petitioner has prayed for issuance of
mandamus directing the respondent authorities to
transfer her from the present school to another
school.

Query has been posed to the learned
advocate representing the petitioner since in spite
of service of notice upon the school authority where

petitioner is serving, the said school authority is not represented today before this Court, whether 'no objection' has been issued by the said school authority but this Court does not get any satisfactory reply. Why petitioner could not make application for transfer on the designated portal is also not explained before this Court.

The learned advocate representing the respondents have jointly opposed the prayer for transfer of the petitioner since petitioner has not followed the procedure for her transfer by approaching the school authority as well as concerned District Inspector of Schools before making representation for transfer directly to the concerned authority of the School Service Commission.

Having considered the submissions made on behalf of the parties, it appears that the petitioner has straightway made an application to the School Service Commission for her transfer which is not permissible unless and until the transfer application of the petitioner is examined and processed first by the school authority and subsequently by the concerned District Inspector of Schools.

In view of aforesaid departure made by the

petitioner while approaching the authorities for her transfer no relief can be granted.

Accordingly, the writ petition stands dismissed.

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

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.)