

**02.07.2024**  
Court No. 18  
Item No. 18  
(Suvendu)

**WPA 16407 of 2024**

Pratick Kumar Hati  
-Versus-

The State of West Bengal & Ors.

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

Ms. Sharmila Datta Das  
Ms. Rupamita Laha  
.....for the State

Mr. Sourav Mitra  
.....for the WBCSSC

Ms. Koyeli Bhattacharyya  
Mr. Bibek Dutta  
.....for the WBBSE

The petitioner has prayed for re-recommendation in order to transfer him from his present school to another school which is nearby to the place of his residence. It has been submitted on behalf of the petitioner that based on his transfer application a recommendation was issued vide memo dated 7<sup>th</sup> September, 2021 by the Secretary, West Bengal Central School Service Commission for transferring the petitioner from his present school to Kotrong

Bhupendra Smriti Vidyalaya (HS), District – Hooghly. When the petitioner tried to join the said school, it was intimated by the said school that the post where the petitioner was to be transferred is not lying vacant. It is also submitted that non-availability of suitable vacancy for transfer of the petitioner in the said school also prevented the concerned authority of the West Bengal Board of Secondary Education to issue transfer order.

On being informed by the said school authority that the suitable post is not lying vacant, the petitioner approached the concerned authority of the Commission for re-recommendation in order to transfer the petitioner to some other school. According to the petitioner, till date such application for re-recommendation is pending.

The State respondents, West Bengal Central School Service Commission and West Bengal Board of Secondary Education are represented by the learned advocates.

Mr. Mitra, learned advocate representing the Commission submits that cooperation from the concerned District Inspector of Schools is necessary in finding out a suitable vacancy for

transferring the petitioner from his present school since recommendation memo was issued on 7<sup>th</sup> September, 2021 and in the meantime more than two and half years have passed.

Identical submission has also been made on behalf of the other respondents.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of by directing the concerned authority of the West Bengal Central School Service Commission to re-recommend the petitioner for his transfer to a school which is nearby to his place of residence.

In order to find out a suitable vacancy for transferring the petitioner, the concerned District Inspectors of schools (SE), Howrah and Hooghly are directed to cooperate with the West Bengal Central School Service Commission upon reporting a vacancy within a period of fortnight from the date of communication of this order. On such vacancy being reported to the Commission, the concerned authority of the Commission is directed to re-recommend the petitioner within seven days from the date of receiving such intimation of vacancy.

The concerned authority of the Board is also directed to issue transfer order in favour of the petitioner by seven days from the date of issuance of re-recommendation by the Commission.

On transfer order to be issued by the Board, the petitioner is directed to join the transferred post immediately thereafter.

It needs to be recorded herein that this order is passed upon placing reliance on the order of this Court dated 7<sup>th</sup> December, 2023 passed on a writ petition being WPA 9347 of 2023 (Nabanita Mukherjee Vs. The State of West Bengal & Ors.). A copy of the order dated 7<sup>th</sup> December, 2023 is kept with the record.

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 undertakings.

**(Saugata Bhattacharyya, J.)**

