

W.P.A. 16067 of 2022

**Smt. Moumita Saha Dey
Vs.
The State of West Bengal & Ors.**

Mr. Uttiya Ray
Mr. Mrinal Kanti Sardar
Mr. Arnab Mandal

...for the petitioner

Mr. Rajarshi Basu
Mr. K.M. Hossain

...for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

...for the WBSSC

Report in the form of affidavit has been filed on behalf of the West Bengal Central School Service Commission and the same is taken on record.

It has been averred in paragraph 5(b) of the report that one Nabanita Dutta had to be recommended in terms of the order dated 31st March, 2022 passed by Hon'ble High Court in the writ petition being WPA 16980 of 2021 vide memo dated 25th April, 2022 in K.A.S. Berh High School, District-Purba Bardhaman where petitioner was also recommended for transfer vide memo dated 20th May, 2022. According to the Commission since the post where petitioner was recommended had to be offered to another candidate based on recommendation memo dated 25th April, 2022 in terms of the order of the Hon'ble High Court petitioner may be re-recommended for her transfer to another school.

The learned advocate representing the petitioner submits that she is willing to be transferred to another school on re-recommendation.

Having considered the submissions made by the respective parties writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission being respondent no. 4 to call the petitioner to appear before him for re-recommending her to another school on disclosing available vacancies to the petitioner in schools which are nearby to the place of residence of the petitioner. Such exercise shall be completed by the respondent no. 4 by 2 (two) weeks from the date of communication of this order.

Decision to be taken by the respondent no. 4 relating to re-recommending the petitioner to another school based on preference given by the petitioner and subject to availability of vacancies shall be communicated to the petitioner by fortnight thereafter.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)