

W.P.A. 16735 of 2022

**Manab Kumar Paul
Vs.
State of West Bengal & Ors.**

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya
...for the petitioner

Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal
...for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the WBCSSC

Mr. Bibek Dutta
...for the Board

In terms of the order dated 12th August, 2024 on behalf of District Inspector of Schools (SE) Malda a report in the form of affidavit affirmed on 2nd September, 2024 is filed today and taken on record.

On perusal of the said report of the concerned District Inspector of Schools (SE) Malda it appears that in spite of issuance of transfer order in favour of one Md. Toufikul Islam vide memo dated 27th August, 2021 the said candidate did not join the post of assistant teacher in English in Gajol H.N.M. High School (H.S.), District-Malda. It is also averred in another paragraph of the report of the concerned District Inspector of Schools (SE) that one Prabir Kumar Saha assistant teacher in English who was working in the aforesaid school tendered

resignation letter on 14th December, 2021 and his resignation was accepted by the Managing Committee of the aforesaid school in its meeting dated 24th December, 2021. Therefore, it appears that due to non joining of candidate on being recommended by the West Bengal Central School Service Commission and tendering resignation by another candidate from the post of assistant teacher in English, two posts of assistant teacher in English at present are lying vacant in the aforesaid school.

In the report filed on behalf of the West Bengal Central School Service Commission it is averred that transfer application of the petitioner reached the Commission after the transfer applications were respectively made by two other candidates namely Golam Rabbani and Md. Toufikul Islam as a result whereof petitioner could not be recommended for transfer to the post of assistant teacher in English in the aforesaid school. But on consideration of the averments made by the concerned District Inspector of Schools in his report it appears that the post where said Md. Toufikul Islam was recommended for transfer is still lying vacant since Md. Toufikul Islam did not join.

In view of availability of vacancy in Gajol H.N.M. High School (H.S.), District-Malda the Chairman, West Bengal Central School Service Commission is directed to recommend the petitioner for his transfer to the post of

assistant teacher in English in the said school by fortnight from the date of communication of this order on verification of testimonials of the petitioner. The concerned authority of the West Bengal Board of Secondary Education is directed to issue transfer order in favour of the petitioner by 7 (seven) days thereafter.

If transfer order is passed by the Board the school authority shall act in terms of the said order. The interim order passed earlier stands vacated.

With the aforesaid directions, the writ petition stands disposed of.

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.)