

Ml- 25.09.2024
237 Ct.18
rkd

W.P.A. 16328 of 2023

Abdul Mannan

-vs-

The State of West Bengal & Ors.

Mr. D. Banerjee,
Mr. Rajdeep Pramanik

....for the petitioner.

Mr. Supriyo Chattopadhyay,
Ms. Sayantanee Bhattacharjee

....for the State.

Mr. Prosenjit Mukherjee,
Ms. Madhurima Sarkar

....for the Madrasah Service Commission.

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

Matter relates to transfer of the petitioner
on special ground as contemplated under Rule 33
(c) of the West Bengal Madrasah Service
Commission Recruitment (Selection and
Recommendation of persons for Appointment and
Transfer to the Post of Teacher and non-teaching
Staff), Rules, 2023.

The learned advocate representing the
petitioner submits that previously he was
transferred and joined the transferred post on 5th
August, 2022 which was general transfer. Presently
petitioner is working in the Madrasah where he was
transferred with effect from 5th August, 2022.

Relying upon a disability certificate dated

15th January, 2018 which is at page 17 of the writ petition it is contended that son of the petitioner is suffering from 100% disability after an accident which took place in 2018.

The petitioner is finding it difficult to take care of his son after joining the transferred post with effect from 5th August, 2022. Therefore, he has made an offline application to the Secretary, West Bengal Madrasah Service Commission for transferring the petitioner to the Madrasah where petitioner was previously working prior to joining the present post on 5th August, 2022.

Madrasah Service Commission is represented by learned advocate who submits that the present offline application of the petitioner seeking transfer needs to be treated as an application for transfer on special ground as contemplated under Rule 33 of the aforesaid Rules of 2023.

Having considered the submissions made on behalf parties the writ petition stands disposed of directing the Secretary, West Bengal Madrasah Service Commission to decide the transfer application of the petitioner by eight weeks from the date of communication of this order.

The decision to be taken by the Secretary

shall be communicated to the petitioner by one week thereafter.

However, 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.)