

Ml- 25.09.2024
239 Ct.18
rkd

W.P.A. 16392 of 2023

Gargi Basu (Ghosh)

-vs-

The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,
Mr. Ashim Kumar Halder,
Mr. Pradip Kumar Neogi,
Mr. Anirban Saha

....for the petitioner.

Mr. Dipanjan Dutta,
Mr. Soumen Chatterjee

....for the State.

Mr. Sunit Kumar Roy

....for the WBCSSC.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBSSE.

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

Matter relates to transfer of the petitioner in
terms of notification dated 10th February, 2023 that
is based on policy for rationalization of teachers.

An application was made for transfer but
the same could not be considered by the
respondent authorities as it has been submitted by
the learned advocate representing the petitioner.

Since transfer based on policy for
rationalization of teachers can only be made in
terms of Section 10C of the West Bengal School
Service Commission Act, 1997 at present the
transfer application of the petitioner cannot be

allowed since petitioner was appointed in the post of Assistant Teacher prior to coming into force of Section 10C in the year 2017.

The issue is pending before the Hon'ble Supreme Court. At this stage no relief can be granted to the petitioner.

Accordingly the writ petition stands dismissed.

However, this order shall not preclude the petitioner to apply 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.)