

Ml- 11.07.2024
139 Ct.18
rkd

W.P.A. 16911 of 2022

Sabyasachi Khan

-vs-

The State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury,
Mr. Rajib Ghosh,
Mr. Babhru Bahan Bera

....for the petitioner.

Mr. Kanak Kiran Bandyopadhyay

....for the WBCSSC.

Mr. Pinaki Dhole,
Mr. Pinaki Bhattacharyya

....for the State.

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

The writ petition is heard in presence of the
learned advocates representing the petitioner, West
Bengal Central School Service Commission and the
State respondents.

The learned advocate for the petitioner
submits that the petitioner being the Assistant
Teacher applied for transfer from his present school
to another school on offline mode on 26th May,
2022. The transfer application of the petitioner
dated 26th May, 2022 is at page 64 of the writ
petition.

On posing query to the learned advocate
representing the petitioner whether this application

is to be treated as an application for general transfer or on medical ground, satisfactory reply is not received.

On perusal of the said transfer application dated 26th May, 2022 it appears that the transfer application is not in form and petitioner by making such application simultaneously has prayed for mutual transfer and general transfer.

In view of the relevant provisions under Rules of 2015 the transfer application of the petitioner dated 26th May, 2022 ought not to be treated as an appropriate application warranting direction upon the concerned respondent authorities for taking steps in order to take final decision on such transfer application.

Another aspect does not escape notice of this Court. This transfer application was made on 26th May, 2022 when Utsashree portal was not suspended. Therefore it was open to the petitioner to make online application on the designated portal. Utsashree portal was suspended with effect from 29th September, 2022.

In the above conspectus, the Court is not inclined to allow this writ petition.

Accordingly, the writ petition stands dismissed.

However, 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.)