

20 31.07.2024
rkd Ct.18

W.P.A. 18640 of 2024

Anupam Das

-vs-

The State of West Bengal & Ors.

Mr. Shamim ul Bari,
Mr. Manoranjan Jana,
Ms. Asmita Mitra,
Ms. Mitali Jana

....for the petitioner.

Mr. Supriyo Chattopadhyay,
Ms. Sayantanee Bhattacharjee

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBSSE.

Mr. Sourav Mitra

....for the WBCSSC.

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

In spite of service of notice West Bengal
Central School Service Commission is not
represented by learned advocate.

Mr. Sourav Mitra, learned advocate is
present in Court who usually represents the
Commission is requested to enter appearance on
behalf of the Commission.

Let engagement of Mr. Mitra be regularized
by the Commission.

Matter relates to transfer of the petitioner on medical ground due to ailment of petitioner's wife. Upon placing reliance on a document at page 43 of the writ petition it has been submitted by the learned advocate representing the petitioner that on 28th August, 2021 petitioner made transfer application and subsequently the same was processed and forwarded by the school authority where petitioner is working, to the office of the concerned District Inspector of Schools (S.E.), South 24 Parganas.

The District Inspector of Schools in its turn had taken all necessary steps and also obtained report on medical verification from the CMOH which according to the petitioner comes in favour of transfer of the petitioner. Ultimately the District Inspector of Schools forwarded the transfer application of the petitioner along with necessary documents to the office of the West Bengal Central School Service Commission on 29th June, 2022 for taking final decision.

The grievance of the petitioner is in spite of forwarding the transfer application to the Commission far back on 29th June, 2022 till date no decision has been taken by the Commission.

Respondents are represented by learned

advocates who have jointly submitted that perhaps due to suspension of Utsashree portal with effect from 29th September, 2022 contemporaneous decision on the transfer application of the petitioner could not be taken by the concerned authority of Commission.

However, the learned advocate representing the Commission submits that if direction is given upon the Commission the transfer application of the petition shall be decided in accordance with law.

Accordingly, the writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission being respondent no.5 to decide the transfer application of the petitioner by four weeks from the date of communication of this order in accordance with law.

The decision to be taken by the Chairman shall be communicated to the petitioner by one week thereafter.

However, it is made clear that suspension of Utsashree portal shall not be a ground for rejecting the transfer application of the petitioner.

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.)