

10 19.08.2024
rkd Ct.18

W.P.A. 19370 of 2024

Purabi Roy
-vs-
State of West Bengal & Ors.

Mr. Subhas Chandra Atha,
Ms. Payel Paramanik

....for the petitioner.

Mr. Saikat Chatterjee,
Mr. Dipankar Ghosh

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBBSE.

Mr. Kanak Kiran Bandyopadhyay

....for the WBCSSC.

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

The grievance of the petitioner is that in
spite of issuing recommendation memo by the
Secretary, West Bengal Central School Service
Commission vide memo dated 27th December, 2021
and the effort was made by the petitioner to join
the post on transfer, petitioner found that the post
was not lying vacant in Dudhunda Alope Tirtha
Vidyapith, District- Uttar Dinajpur.

The learned advocate for the petitioner
submits that based on transfer application of the
petitioner recommendation was made by the
concerned authority of the Commission for transfer
on 27th December, 2021 and the President, West

Bengal Board of Secondary Education issued transfer order on 10th December, 2021 but the petitioner could not join the post in Dudhunda Alope Tirtha Vidyapith since the post was not lying vacant. Petitioner prays for direction upon the concerned respondent authorities for re-recommending her.

The West Bengal Central School Service Commission is represented by learned advocate who submits that since the post to which petitioner was transferred was not available in spite of issuance of recommendation memo dated 27th December, 2021 petitioner needs to be re-recommended by the concerned authority of the Commission.

In view of aforesaid submissions made on behalf of the parties, the writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission being respondent no.4 to re-recommend the petitioner to another nearby school considering the place of residence of the petitioner and preferably in the school which was also preferred by the petitioner while submitting application seeking transfer.

The said respondent no.4 shall re-recommend by six weeks from the date of

communication of this order after granting opportunity to the petitioner to appear before the said respondent no.4 for choosing a school.

If ultimately re-recommendation is made by the respondent no.4, the concerned authority of the Board is also directed to issue transfer order in favour of the petitioner in order to facilitate the petitioner to join the post.

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.)