

13 14.08.2024
rkd Ct.18

W.P.A. 19685 of 2024

Arabinda Bera

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra,
Mr. Afrin Nahar Mondal

....for the petitioner.

Mr. Sunit Kumar Roy

....for the WBCSSC.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBBSE.

Mr. Tushar Sinha Mahapatra,
Mr. Munshi Mijanur Rahaman

....for the State.

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

Matter relates to transfer of the petitioner
on medical ground based on application dated 20th
August, 2022 made on Utsashree portal.

The learned advocate representing the
petitioner submits that transfer application of the
petitioner was processed first by the school
authority where petitioner is serving at present and
subsequently, by the concerned District Inspector
of Schools (SE) and thereafter the same was
forwarded to the office of the West Bengal Central
School Service Commission for taking final
decision.

The grievance of the petitioner is in spite of receipt of transfer application far back on 27th September, 2022 through portal till date no decision has been taken by the Commission. Petitioner prays for direction upon the Commission to decide his transfer application.

The respondents are represented by learned advocates who have jointly submitted that due to suspension of Utsashree portal with effect from 29th September, 2022 contemporaneous decision could not be taken.

However, it has been submitted on behalf of the Commission that if direction is given upon the Chairman of the Commission the transfer application of the petitioner shall be decided in accordance with law.

Having considered the 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.3 to decide the transfer application of the petitioner in accordance with law by four weeks from the date of communication of this order.

The decision to be taken by the respondent no.3 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.)