

13.08.2024
Court No. 18
Item No.12
(**Suvenu**)

WPA 19734 of 2024

Ayesha Khatun
-Versus-

The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Mr. Sumitava Chakraborty
Ms. Bratati Pramanick
.....for the petitioner

Mr. Biswabrata Basu Mallick, Ld. AGP
Ms. Parna Roy Chowdhury
.....for the State

Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
....for the Madrasah Service Commission

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

In spite of service of notice upon the
authorities of Ranjitpur Begum Jahanara
Memorial Girl's High Madrasah, Murshidabad,
being respondent no. 8, the said respondent is
not represented.

On hearing learned advocate representing
the petitioner, it appears that petitioner applied
for general transfer and an online application
was made in 2021. On processing application of
petitioner concerned authority of the West
Bengal Madrasah Service Commission (for short,

“Commission”) prepared a list of candidates for transfer where petitioner’s name features. It has been submitted that after filing this writ petition steps have been taken by the concerned authority of the Commission for recommending the name of petitioner to Orgram Chatuspalli High Madrasah (HS), Purba Bardhaman and in this regard a document has been placed before this Court and the same is taken on record.

Grievance of the petitioner is in spite of petitioner was found to be eligible for transfer by the Commission the authority of Ranjitpur Begum Jahanara Memorial Girl’s High Madrasah, being respondent no. 8 is not issuing “no objection” in favour of the petitioner. It is also submitted that unless “no objection” is issued by the respondent no. 8 along with last pay certificate and release order the concerned authority of the Commission shall not issue recommendation letter.

The Commission and State respondents are represented by learned advocates.

On behalf of the Commission reliance has been placed on Rule 29(4) and Rule 30(11) of the West Bengal Madrasah Service Commission Recruitment (Selection and Recommendation of

persons for Appointment and Transfer to the Posts of Teacher and Non-Teaching Staff) Rules, 2023 to demonstrate before this Court that in the event Madrasah authority where the candidate is presently working fails to issue “no objection”, release order and last pay certificate the concerned District Inspector of Schools is authorized to do the needful. It is also submitted on behalf of the Commission that it is true that unless “no objection”, release order and last pay certificate are submitted before the concerned authority of the Commission recommendation shall not be made in favour of the petitioner.

It is submitted on behalf of the State respondents that if the concerned District Inspector of Schools (SE), Murshidabad, being respondent no. 6 is directed to take necessary steps in that event appropriate steps shall be taken in accordance with law.

Having considered the submissions made on behalf of the parties and taking note of the fact that the petitioner was found to be selected for transfer by the Commission and due to inability on the part of the respondent no. 8 to issue “no objection”, last pay certificate and

release order thereby preventing petitioner to submit those documents before the concerned authority of the Commission for obtaining recommendation memo for transfer, the District Inspector of Schools (SE), Murshidabad, being the respondent no. 6 is directed to issue release order and last pay certificate in favour of the petitioner by seven days from date which would be submitted by the petitioner before the concerned authority of the Commission by seven days thereafter. On receipt of those documents, the Secretary of the Commission being the respondent no. 4 is directed to issue recommendation in favour of the petitioner for transfer by seven days from the date of receiving documents from the petitioner. Petitioner shall be at liberty to join the transferred post on receiving recommendation from the respondent no. 4.

Since “no objection” is required to be issued by the appropriate authority of Ranjitpur Begum Jahanara Memorial Girl’s High Madrasah being the respondent no. 8, the said respondent no. 8 is directed to issue “no objection” in favour of the petitioner by fortnight from the date of communication of this order.

The petitioner is also directed to submit “no objection” before the concerned authority of the Commission in the event the same is issued by the respondent no. 8 within the aforesaid time.

However, it is made clear that recommendation shall be issued in favour of the petitioner by the respondent no. 4 without insisting upon the petitioner to submit “no objection” certificate since that depends upon the steps to be taken by the respondent no.8

With the aforesaid observations and directions, writ petition stands disposed of.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)