

06 12.08.2024
rkd Ct.18

W.P.A. 19958 of 2022

Tanusree Das

-vs-

The State of West Bengal & Ors.

Mr. Ujjal Ray,
Mr. Sk. Abdurrahim

....for the petitioner.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey

....for the WBCSSC.

Mr. Avishek Prasad

....for the State.

Exception filed on behalf of the petitioner is
taken on record.

Petitioner made an application for transfer
on medical ground.

In terms of the order dated 26th July, 2024
a report in the form of affidavit has been filed on
behalf of the District Inspector of Schools (SE),
Howrah which was affirmed on 5th August, 2024
and the same is taken on record.

On perusal of the said report, it appears
that the post of Assistant Teacher in Nutrition in
Keshabpur High School, District- Howrah has been
filled up since another candidate namely Sujata
Sarkar joined the said post on 3rd June, 2022.

It has already been disclosed in the report
of the Commission that another post being the first

preference of the petitioner was already blocked due to recommendation made in favour of one Pratima Das for transfer under Section 10C as per the direction of the Government dated 16th November, 2021.

During course of hearing reliance has been placed on behalf of the State respondents on an order dated 30th March, 2022 passed by a coordinate Bench on a writ petition being WPA 1660 of 2022 (Smt. Paramita Dey –vs- The State of West Bengal & Ors.) and the copy of the said order is also kept on record.

It is found that the coordinate Bench vide order dated 30th March, 2022 permitted Paramita Dey to work in Santragachi Kedarnath Institution for Girls as an Assistant Teacher and Sujata Sarkar being respondent no.11 in the writ petition being WPA 1660 of 2022 was permitted to prefer an application before the District Inspector of Schools (SE), Howrah for her transfer to Keshabpur High School.

It is the contention made on behalf of the State respondents that in terms of the order dated 30th March, 2022 the Secretary, West Bengal Central School Service Commissions recommended said Sujata Sarkar for transfer to Keshabpur High

School and accordingly, the candidate joined on 3rd June, 22.

Since both the vacancies as indicated in the transfer application of the petitioner on medical ground in the present writ petition have been filled up and blocked, the transfer application of the petitioner on medical ground at this stage cannot be considered.

However, this order shall not preclude the petitioner to make further application for transfer on medical ground in accordance with law against any other vacancies.

Before parting with the Deputy Secretary of the West Bengal Central School Service Commission is cautioned since by affirming affidavit for the purpose of filing report he was required to place on record the appropriate facts.

On conjoint reading of both the reports one filed on behalf of the Commission and another on behalf of the concerned District Inspector of Schools (SE) it transpires that though the post of Assistant Teacher in Keshabpur High School was filled up by transfer on the recommendation made by the Secretary, West Bengal Central School Service Commission on 13th May, 2022 the same has not been disclosed in the report and it has

been averred in the report that one Paramita Dey was considered for transfer thereby blocking the vacancy in Keshabpur High School but it appears that the said fact is not the correct position which was subsisting at the time affirming the affidavit on behalf of the Commission for submitting report.

Such conduct on behalf of the Deputy Secretary, West Bengal Central School Service Commission shall be viewed seriously, if recurs in future.

The writ petition stands disposed of.

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.)