

25
30.08.2024
Ct. No. 18
adeb

W.P.A. 20314 of 2024

**Soumi Halder
Vs.
The State of West Bengal & Ors.**

Mr. Uday Sankar Bhattacharya
Ms. Sudeshna Basu Thakur
Ms. Banani Bhattacharya
...for the petitioner

Mr. Supriyo Chattopadhyay
Mr. Suman Dey
...for the State

Mr. Sunit Kr. Roy
...for the SSC

Petitioner is a teacher of a Government aided secondary school at Purba Medinipur. Due to marital discord a matrimonial suit was instituted being MAT Suit No. 3 of 2024 and the same was decreed on 2nd July, 2024 passed by the District Judge In-charge, South 24 Parganas, Alipore. During pendency of the suit and for marital discord petitioner has been staying at her parents residence at Bhowanipur in Kolkata with her female child of tender years but is being compelled to attend her present school in Purba Medinipur which is 90 kilometers away from the present place of residence of the petitioner.

Due to aforesaid reasons last transfer application has been made by the petitioner on 29th July, 2024 addressed to the District Inspector of Schools (SE), Purba

Medinipur being respondent no. 5 and the same is pending for consideration.

Learned advocate representing the petitioner submits that previously the respondent no. 5 had the occasion to consider the transfer application of the petitioner but the same was rejected by issuing memo dated 29th April, 2024 at the stage when the matrimonial suit was pending.

Today, State-respondents and the West Bengal Central School Service Commission are represented by learned advocates who have submitted that since situation has been altered in view of the decree passed on 2nd July, 2024 disposing of the matrimonial suit, the respondent no. 5 based on such decree dated 2nd July, 2024 may forward the last transfer application of the petitioner to the Chairman, West Bengal Central School Service Commission being additional respondent no. 7 and the transfer application of the petitioner shall be decided in accordance with law.

It is true that previously petitioner's transfer application was rejected by the respondent no. 5 vide memo dated 29th April, 2024 at the stage when the matrimonial suit was pending and the respondent no. 5 had no occasion to consider the decree of divorce dated 2nd July, 2024. Today, the situation is completely different in view of the said decree dated 2nd July, 2024

and petitioner needs to be treated as a divorce person who is seeking transfer under the special circumstances.

In view of aforesaid scenario the respondent no. 5 is directed to forward the transfer application of the petitioner which was made offline on 29th July, 2024 to the Chairman, West Bengal Central School Service Commission by 7 (seven) days from the date of communication of this order and the Chairman on receipt of such transfer application shall decide the same by passing a reasoned order by fortnight thereafter, after granting opportunity of hearing to the petitioner or her representative. The decision to be taken by the Chairman shall be communicated to the petitioner by 1 (one) week thereafter.

The writ petition stands disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)