

Court No. 18
(265704)

23.08.2024
(AD 8)
(S. Banerjee)

WPA 20363 of 2024

Nilambar Garai
Vs.
State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury	
Ms. Shreyeta Mitra	
Mr. Afrin Nahar Mondal	...for the petitioner
Ms. Sucharita Roy	
Md. Yusuf Ali	...for the State
Ms. Koyeli Bhattacharyya	
Mr. Bibek Dutta	...for the WBBSE
Mr. Sunit Kumar Roy	...for the SSC

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

The petitioner prays for re-recommendation since previous recommendation memo dated 26th December, 2021 issued by the Secretary, West Bengal Central School Service Commission for transferring the petitioner to Garh Kotalpur Rabindra Vidyaniketan, Onda, Bankura, could not be given effect to in spite of issuance of transfer order dated 29th December, 2021 by the President of the West Bengal Board of Secondary Education. It is contended on behalf of the petitioner that pursuant to the transfer order dated 29th December, 2021, petitioner tried to join the post in Garh Kotalpur Rabindra

Vidyaniketan but found the post of Assistant Teacher in pure-science/physical science was filled up by another candidate, namely Soumen Nandi, who had joined the post on recommendation made by the Commission thereby transferring him to the said school.

It has been submitted by the learned advocate representing the Commission that since the post where the petitioner was recommended vide memo dated 26th December, 2021 was not lying vacant when petitioner tried to join the said post, let opportunity be extended to the Chairman of the Commission to find out other suitable vacancies for re-recommending the petitioner to transfer him to another school.

The Chairman of the West Bengal Central School Service Commission, being the respondent no. 3, is directed to permit the petitioner to appear before him for opting another school for transfer, subject to availability of vacancies and pupil-teacher ratio in the respective school, by fortnight from the date of communication of this order. If any post is selected by the petitioner when petitioner will appear before the respondent no. 3, necessary steps shall be taken by the said respondent no. 3 for re-recommending the petitioner by passing appropriate order by a fortnight thereafter.

With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Urgent photostat certified copies, if applied for, be issued to the parties on compliance of requisite formalities.

(Saugata Bhattacharyya, J.)