

26 30.08.2024
rkd Ct.18

W.P.A. 20754 of 2024

Kaushik Howlader & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Ujall Roy,
Mr. ARpa Chakraborty,
Sk. Abdur Rahim

....for the petitioners.

Mr. Sunit Kumar Roy

....for the WBCSSC.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBBSE.

Mr. Sudip Sarkar,
Mr. Prabir Kumar Ray

....for the State.

Affidavits-of-service filed on behalf of the
petitioners are taken on record.

Matter relates to mutual transfer of the
petitioners and in this regard an application was
made before the Central School Service
Commission on 21st February, 2024 by the
petitioners seeking mutual transfer.

During course of hearing notice of this
Court has been drawn to Rule 4(1) of the West
Bengal School Service commission (Mutual
Transfer), Rules, 2012 wherein it has been provided
that the teacher desirous of mutual transfer may
make application in the prescribed form along with
requisite fees of Rs.1000/- to the West Bengal

Central School Service Commission.

It is submitted by Mr. Roy, learned advocate representing the Commission that on introduction of Utsashree portal it was the usual practice that the teachers seeking mutual transfer were required to make such application on the said designated portal.

However, in consideration of Rule 4(1) of 2012 Rules it does not appear that there is statutory bar so far the teachers are concerned who are seeking mutual transfer to make application to the West Bengal School Service commission in terms of Rule 4(1).

However, on perusal of the application preferred by the petitioners on 21st February, 2024 it appears that the same is not in form.

Therefore, leave is granted to the petitioners to make proper application seeking mutual transfer by fortnight from date to the Chairman, West Bengal School Service commission on payment of requisite fees.

If such application is made within the aforesaid time, the Chairman, West Bengal School Service commission being respondent no.3 is directed to decide the mutual transfer application of the petitioners by four weeks from the date of

receiving the said application.

The decision to be taken by the respondent no.3 shall be communicated to the petitioners by one week thereafter.

The writ petition stands disposed of.

However, 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.)