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27.06.2024
Ct. No. 18
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W.P.A. 20536 of 2022

**Sailen Chakraborty
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
...for the petitioner

Mr. Kanak Kiran Bandopadhyay
...for the WBCSSC

Ms. Sima Adhikari
Ms. Kakali Naskar
...for the State

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

Matter is taken for final consideration pursuant to the order dated 20th June, 2024 and the submissions made on behalf of the petitioner and the West Bengal Central School Service Commission have been considered by this Court in order to find out whether the transfer application of the petitioner can be considered by the authority or not.

It has been submitted by the learned advocates representing the parties that the petitioner indicated two schools in terms of preference for his transfer and according to the Commission in both the schools petitioner ranked second whereas one Soma Ghara has ranked first. It is also submitted that though the transfer application of the petitioner has reached the office of the Commission whereas the application of Soma Ghara till date has not been cleared by the head of the institution.

In view of aforesaid situation this Court finds that there is no difficulty in considering the transfer application

of the petitioner since it is already decided by this Court that statutory right which has been conferred upon the teachers to be transferred in terms of West Bengal School Service Commission (General Transfer, Transfer on Special Ground and Reallocation) Rules, 2015 cannot be curtailed on mere suspension of “Utsashree Portal”.

In view of aforesaid scenario the present writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission to take decision on the transfer applications of both the petitioner as well as the first ranked candidate namely Soma Ghara by 4 (four) weeks from the date of communication of this order after granting opportunity of hearing to the candidates as well as the concerned school authority where first ranked candidate is working.

The decision to be taken by the Chairman shall be communicated to the parties within 1 (one) week thereafter.

Since Chairman of the West Bengal Central School Service Commission has not been made party leave is granted to the learned advocate for the petitioner to amend the cause title of this writ petition and array the Chairman as additional respondent in course of this day. However service of notice upon the additional respondent stands dispensed with since the Commission is represented by the learned advocate.

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.)