

30.08.2024
Court No. 18
Item No.31
(Suvendu)

WPA 20890 of 2024

Tapas Kumar Ghosh
-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Afrin Nahar Mondal
.....for the petitioner

Ms. Shreyeta Mitra
.....for the private respondent

Ms. Koyeli Bhattacharyya
....for the WBBSE

Mr. Sourav Mitra
.....for the WBCSSC

Mr. Debabrata Banerjee
Ms. Chandramala Mukherjee
.....for the State

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

Matter relates to mutual transfer of the
petitioner and respondent no. 7 and in this
regard an application was made by petitioner in
the prescribed format on 22nd July, 2024 which
is at page 30 of the writ petition.

Attention of this Court has been drawn to
page 28 of the writ petition wherefrom it appears
that Secretary-in-Charge of the West Bengal
Central School Service Commission refused to

consider mutual transfer application of the petitioner and the respondent no. 7 due to suspension of mutual transfer.

However, Mr. Mitra, learned advocate representing the Commission submits that reason for not considering mutual transfer application of the petitioner is suspension of Utshasree portal.

Learned advocate representing the petitioner relies upon the West Bengal School Service Commission (Mutual Transfer) Rules, 2012 wherein Rule 4(1) prescribes procedure for making application seeking mutual transfer and as per Rule 4(1) desirous teacher may make application seeking mutual transfer in prescribed form with requisite fees of Rs. 1000/- which is to be deposited in favour of the West Bengal Central School Service Commission. Nowhere in the said Rules of 2012 it has been made obligatory that desirous teacher is required to make mutual transfer application only on designated portal.

In view of the relevant provisions as contained in the 2012 Rules this Court finds that it is the statutory right of the teachers to make application for mutual transfer which

cannot be curtailed on the ground of suspension of a portal.

Hence, the writ petition stands disposed of directing the Chairman of the Commission being respondent no. 3 to decide mutual transfer application of the petitioner dated 22nd July, 2024 on compliance of necessary formalities and depositing requisite fees by four weeks from the date of communication of this order. The decision to be taken by the respondent no. 3 shall be communicated to the petitioner and respondent no. 7 by one week thereafter.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)