

03.10.2024
Court No. 18
Item No. 308 (ML)
(Suvendu)

WPA 20588 of 2023

Tonmoy Roy
-Versus-

The State of West Bengal & Ors.

Mr. S.P. Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal
.....for the petitioner

Mr. Sunit Kumar Roy
.....for the WBCSSC

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Sagnik Chatterjee
.....for the State

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
....for the WBBSE

Affidavits of service filed on behalf of the
petitioner are taken on record.

Matter relates to transfer of petitioner on
the ground of distance in between present
school of the petitioner and his place of
residence.

Petitioner made application for transfer on
Utshasree portal on 26th August, 2022 which
was forwarded by the school authority where
petitioner is working to the concerned District
Inspector of Schools for taking further steps.

Grievance of the petitioner is in spite of
receiving transfer application through portal on

8th September, 2022, concerned District Inspector of Schools did not take steps to forward transfer application of the petitioner to West Bengal Central School Service Commission for taking final decision.

Learned advocate representing State respondents submits due to suspension of Utshasree portal with effect from 29th September, 2022 steps could not be taken on transfer application of the petitioner and eventually transfer application could not be forwarded to the Commission.

West Bengal Central School Service Commission and West Bengal Board of Secondary Education are also represented by learned advocates.

It is submitted on behalf of the Commission that if transfer application is forwarded by the concerned District Inspector of Schools to the Commission, Commission shall decide transfer application in accordance with law.

Having considered the submissions made on behalf of the parties, writ petition stands disposed of directing the District Inspector of Schools (SE), Paschim Bardhaman to forward transfer application of the petitioner to the

Commission by four weeks from the date of communication of this order. On receipt of transfer application, Chairman of West Bengal Central School Service Commission is directed to decide transfer application of the petitioner by eight weeks thereafter in accordance with law and the decision to be taken by the Commission shall be communicated to the petitioner by one week thereafter.

It is made clear that suspension of Utshasree portal shall not be a ground for rejecting transfer application of the petitioner.

Leave is granted to the petitioner to amend cause-title of the writ petition by adding Chairman, West Bengal Central School Service Commission as additional respondent in course of this day. However, service of notice upon the Chairman of the Commission is dispensed with since the Commission is represented by learned advocate today.

Leave is also granted to the learned advocate for the petitioner to further amend cause-title of the writ petition and the District Inspector of Schools (SE), Paschim Bardhaman be substituted in place of District Inspector of Schools (SE), Purba Bardhaman in course of this day. Service of notice upon the District

Inspector of Schools (SE), Paschim Bardhaman is dispensed with since State respondents are represented by learned advocate today.

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.)