

DL - 11
10.09.2024
Ct No. 18
S.D

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 21637 of 2024

Sri Anupam De
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Acharyya
Mr. Sital Samanta
... for the petitioner.

Mr. Pratik Dhar, Sr. Advocate
Mr. Ritwik Pattanayak
... for the respondent no. 6.

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
..for the W.B.B.S.E.
Mr. Sunit Kumar Roy
...for the Commission.

Affidavit-of-service filed on behalf of the
petitioner, in Court today, is taken on record.

The matter relates to transfer of the
petitioner on medical grounds since son of the
petitioner is suffering from serious heart ailments
due to Kawasaki disease.

The learned advocate representing the
petitioner has drawn attention of this court to page
48 of the writ petition wherefrom it appears that the
application was made seeking transfer on 20th
September, 2021. It further appears that the school
authority where the petitioner is working at present

has processed the transfer application of the petitioner and forwarded the same to the Office of the concerned District Inspector of Schools(SE). The concerned District Inspector of Schools(SE) in his turn on completion of formalities forwarded the transfer application of the petitioner to the West Bengal Central School Service Commission..

Primary grievance of the petitioner is in spite of receipt of the transfer application by the Commission far back on 27th October, 2021 till date the same has not been decided.

From the submission of Mr. Dhar, learned senior advocate representing the respondent no.6 it appears that while making transfer application the petitioner has indicated three schools in terms of preference out of which in one school respondent no. 6 is already working as Headmaster. According to the learned advocate representing the respondent no.6 there is no scope left open to the petitioner to be transferred to the post of Headmaster in Banerjeedanga High School(H.S), District-Paschim Medinipore.

Other respondents are represented by learned advocates and it has been jointly submitted on behalf of the State respondents and the West Bengal Central School Service Commission that

contemporaneous decision on the transfer application of petitioner could not be taken due to suspension of 'Utsaree Portal' with effect from 29th September, 2022.

However, it is submitted on behalf of the Commission if direction is given the concerned authority shall decide the transfer application of the petitioner.

Having considered the submission of the parties, the writ petition being WPA 21637 of 2024 stands disposed of by directing the Chairman, West Bengal Central School Service Commission (respondent no. 5) to decide the transfer application of the petitioner in accordance with law by eight weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and the respondent no.6 or their representatives. The decision to be taken by the respondent no.5 shall be communicated to the parties by one week thereafter.

It is made clear that suspension of "Utasasree Portal' shall not be a ground for rejecting the transfer application of the petitioner.

There shall be no order as to costs.

Urgent Photostat certified copy of this order,

if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)