

Ml- 24.06.2024
197 Ct.18
rkd

W.P.A. 21570 of 2022

Uttam Sarkar

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyata Mitra,

....for the petitioner.

Mr. Sourav Mitra

....for the WBCSSC.

Mr. Shamim ul Bari

....for the State.

Petitioner tenders undertaking to file affidavit-of-service in course of this day.

After hearing the learned advocate representing the petitioner, West Bengal Central School Service Commission and the State respondents, it appears that petitioner made applications previously on three occasions i.e. 17th August, 2021, 19th November, 2021 and 1st May, 2022, seeking general transfer on the ground of distance between the present school of the petitioner and his place of residence.

On the aforesaid three occasions applications of the petitioner were duly considered by the respondent authorities but petitioner could not be transferred since the rank which was secured by the petitioner in all the three occasions

did not permit him to be transferred.

By presenting this writ petition, the petitioner has sought mandamus based on the transfer application dated 26th July, 2022 by which he has again prayed for transfer on the ground of distance in between his present school and his place of residence.

In terms of norms teachers are required to make application for transfer on Utsashree portal but the said portal has been suspended with effect from 29th September, 2022 as a result whereof the last transfer application of the petitioner has not been considered till date.

Though this Court in some other appropriate cases has directed the respondent authorities to take decision on the transfer application of the teachers notwithstanding suspension of Utsashree portal but in the present case this Court refuses to exercise its discretion in view of suspension of Utsashree portal since previously three applications of the petitioner have duly been considered by the respondent authorities but in all the three occasions petitioner could not come within the zone of consideration resulting in refusal of transfer.

Accordingly, the writ petition stands

dismissed.

However, this order shall not preclude the respondents to take decision on the last application of the petitioner seeking transfer in future if the norms relating to transfer permits the same.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)