

14 11.09.2024
rkd Ct.18

W.P.A. 21876 of 2024

Dipankar Patra

-vs-

The State of West Bengal & Ors.

Mr. Sudjp Ghosh Chowdhury,
Ms. Shreyeta Mitra,
Ms. Afrin Nahar Mondal

....for the petitioner.

Mr. Kanak Kiran Bandyopadhyay

....for the WBCSSC.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBSSE.

Ms. Bratati Roy Chowdhury,
Mr. Subhayu Das

....for the State.

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

Matter relates to transfer of the petitioner
on medical ground and in this regard an
application for transfer was made on Utsashree
portal on 18th April, 2022.

The learned advocate representing the
petitioner relies upon a document which is at page
20 of the writ petition wherefrom it appears that
the concerned District Inspector of Schools (SE)
has processed the transfer application of the
petitioner on compliance of necessary formalities
and forwarded the same to the office of the West
Bengal Central School Service Commission for

taking final decision through portal on 28th September, 2022.

The grievance of the petitioner is in spite of receipt of transfer application far back on 28th September, 2022 through portal till date no decision has been taken by the Commission. Petitioner prays for direction upon the Commission to decide his transfer application.

The respondents are represented by learned advocates who have jointly submitted that due to suspension of Utsashree portal with effect from 29th September, 2022 contemporaneous decision could not be taken.

However, it has been submitted on behalf of the Commission that if direction is given upon the Chairman of the Commission the transfer application of the petitioner shall be decided in accordance with law.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission being respondent no.3 to decide the transfer application of the petitioner in accordance with law by eight 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 by one week thereafter.

However, it is made clear that suspension of Utsashree 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 learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)