

18.09.2024
Court No. 18
Item No. 36
(Suvendu)

WPA 22754 of 2024

Md. Aktar Hossain
-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
.....for the petitioner

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

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

Mr. S.S. Roy
Mr. Debasish Chattopadhyay
.....for the State

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

It has been submitted on behalf of the
petitioner that petitioner was recommended for
transfer by the Secretary, West Bengal Central
School Service Commission vide memo dated 1st
February, 2022 and based on such
recommendation concerned authority of the
Board issued transfer order on 3rd February,
2022 in favour of the petitioner. However,
school authority where petitioner was
transferred informed the Board vide letter dated
3rd February, 2022 that the post where
petitioner was transferred was not lying vacant.

Due to non-availability of the vacancy petitioner could not join the transferred post which led the petitioner to prefer an application seeking re-recommendation on Utshasree portal.

Grievance of the petitioner is in spite of making application seeking re-recommendation till date the Commission has not taken any decision.

Respondents are represented by learned advocates who have jointly submitted that due to suspension of Utshasree portal with effect from 29th September, 2022 contemporaneously decision could not be taken on application of petitioner seeking re-recommendation.

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

In view of submissions made on behalf of the parties, the writ petition stands disposed of by directing the Chairman, West Bengal Central School Service Commission, being the respondent no. 3 to fix a date and time for appearance of petitioner before him when respondent no. 3 shall show suitable available vacancies to the petitioner for his transfer. If

petitioner opts for a vacancy amongst the vacancies which will be disclosed to the petitioner, respondent no. 3 shall pass an order relating to re-recommendation of the petitioner to another school. Aforesaid exercise shall be completed by the respondent no. 3 by eight weeks from date of communication of this order in accordance with law. Before appearance of petitioner before respondent no. 3 petitioner shall be put on seven days' notice.

However, application of the petitioner seeking re-recommendation shall not be rejected on the ground of suspension of Utshasree portal.

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.)