

20.08.2024  
Item No.12  
Court No.18.  
S. De

**W.P.A. 22737 of 2022**

**Abul Kalam Azad.**

**Vs.**

**The State of West Bengal & Ors.**

Mr. Gangadhar Das,  
Mr. Tanmoy Chattopadhyay,  
...for the petitioner.

Mr. Sutanu Kr. Patra,  
Ms. Supriya Dubey, ...for the W.B.C.S.S.C.

Mr. Shamim-Ul-Bari,  
...for the State respondents.

Pursuant to the order dated July 19, 2024, report, in the form of affidavit, has been filed on behalf of the West Bengal Central School Service Commission. Let the same be taken on record.

On perusal of the statements made in paragraph 6 of the said report, it appears that the petitioner and another candidate namely, Zakiatun Nesah applied for transfer indicating same schools namely, Kushida High School and Baharal PLS High School. It further appears that against the vacancies in the aforesaid two schools, said Zakiatun Nesah ranked first and the petitioner ranked second. It has been proposed by the Commission that both the candidates Zakiatun Nesah and the petitioner herein can be transferred to the posts in Kushida High School and Baharal PLS High

School in the event, the Commission is permitted to take steps during suspension of Utshasree Portal.

This Court has already decided in other matters that suspension of the designated Portal cannot curtail the statutory right of the petitioner to get the benefit of transfer. Accordingly, the Chairman, West Bengal Central School Service Commission is directed to call both the candidates namely, the petitioner herein and Zakiatun Nesah and allot two posts to them in two separate schools considering the rank which was allotted to both the candidates against the said two posts preferred by the candidates in their respective transfer applications. The Chairman of the Commission is also directed to complete the aforesaid exercise by four weeks from the date of communication of this order and the decision to be taken by the Chairman shall be communicated to the candidates by one week thereafter.

With the aforesaid directions, the writ petition being W.P.A. No. 22737 of 2022 stands disposed of.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis, on compliance of all formalities.

**(Saugata Bhattacharyya, J.)**