

29.04.2024
Court No.13
Item No.41
AP

WPA 22451 of 2023

**Shibnath Mazumdar
Vs.
State of West Bengal and Ors.**

Mr. Manas Kumar Das
Mr. Aniruddha Tewari
Mr. Aritra Kumar Thokdar

... For the Petitioner.

Ms. Mitali Mukherjee
Ms. Kakali Naskar

... For the State.

Mr. Md. Sarwar Jahan
Mr. Sk. Nayeemul Haque

... For the Respondent.

1. The petitioner was originally appointed in the year 2010 in the 87, Dogachhi-2 Primary School under Dhuliyon Circle, Murshidabad. He was transferred in the year 2018 to 10 Jalalpur Primary School under Beldanga Circle temporarily. The petitioner continued to draw salary from the parent institution even upon the temporary transfer to 10 Jalalpur Primary School.

2. The petitioner was asked to report back to the parent institution on 17th March, 2023, which he had not. Instead, the petitioner applied for transfer on medical ground.

3. This Court is of the view that the petitioner's transfer on medical ground is irrelevant at this stage since the unauthorized absence of the petitioner from his parent school i.e. 87, Dogachhi-2 Primary School under Dhuliyon Circle is more than a year.

4. In the above circumstances, the DPSC, Murshidabad shall take a decision on the unauthorized absence of the petitioner and the consequential steps that may be followed strictly in accordance with the applicable rules. It is only thereafter that the application for transfer, if at all necessary, may be considered by the respondents.

5. This Court has been informed that for the unauthorized absence of the petitioner from the parent school, the students are suffered immensely since there is only one teacher available thereat.

6. It is expected that strong and deterrent steps be taken by the DPSC, Murshidabad in this regard within a period of two months from date.

7. With the aforesaid directions, the writ petition is disposed of.

8. There shall be no order as to costs.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)