

19.09.2024
Court No. 18
Item No. 22
(Suvendu)

WPA 23229 of 2024

Subhas Chandra De
-Versus-

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
.....for the petitioner

Mr. Sadhan Kumar Halder
Mr. N.M.Rahaman
.....for the State

Mr. Kanak Kiran Bandyopadhyay
....for the WBCSSC

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

Matter relates to transfer of petitioner who
is an Assistant Teacher in a Government aided
secondary school. Petitioner applied for transfer
on Utshasree portal on 13th August, 2022 and
same was forwarded by the school authority
where petitioner is presently serving to the
District Inspector of Schools (SE), Hooghly, being
respondent no. 4 for taking further steps.

It has been contended on behalf of the
petitioner on placing reliance on a document
which is at page 82 of the writ petition that
respondent no. 4 has returned transfer
application to the school authority since
Utshasree portal was suspended with effect from

29th September, 2022. It has also been submitted on behalf of the petitioner that suspension of Utshasree portal ought not to be a ground for sending the transfer application of petitioner back to the school authority since petitioner applied for transfer when portal was alive.

State respondents and West Bengal Central School Service Commission are represented by learned advocates and it has been submitted that due to suspension of Utshasree portal contemporaneously decision could not be taken on transfer application of the petitioner.

However, it is submitted on behalf of the Commission that if transfer application of the petitioner is forwarded by the respondent no. 4 to the Commission, the concerned authority of the Commission shall take decision in accordance with law.

Having considered the submissions made on behalf of the parties, this Court finds substance in the submissions made on behalf of the petitioner.

Since petitioner applied for transfer on 13th August, 2022 when Utshsree portal was alive subsequent suspension of said portal on

and from 29th September, 2022 cannot take away statutory right of the petitioner to be transferred to another school if otherwise petitioner is found eligible to be transferred.

In the above scenario, the District Inspector of Schools (SE), Hooghly being respondent no. 4 is directed to forward transfer application of the petitioner to the Commission by two weeks from date of communication of this order. On receipt of transfer application, the Chairman of the Commission is directed to take decision on transfer application of the petitioner by eight weeks from the date of receipt of transfer application from respondent no.4. The decision to be taken by the Chairman of the Commission shall be communicated to the petitioner by one week thereafter. It is clarified that suspension of Utshasree portal shall not be a ground for rejecting transfer application of petitioner.

With the above observations and directions, writ petition stands disposed of.

Since Chairman, West Bengal Central School Service Commission is not made party, leave is granted to petitioner to amend cause title of the writ petition by adding the Chairman of the Commission as an additional respondent.

However, service of notice upon the Chairman of the Commission is dispensed with since the Commission is represented by the learned advocate today.

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.)