

19.09.2024
Court No. 18
Item No. 23
(Suvendu)

WPA 23236 of 2024

Maharaj Rej
-Versus-

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. A. Mondal
.....for the petitioner

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
.....for the WBCSSC

Ms. Sangeeta Roy
Mr. Nanda Dulal Bandyopadhyay
.....for the State

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

Matter relates to transfer of the petitioner
on the ground of distance in between present
school of the petitioner and petitioner's place of
residence.

Petitioner is a Group -D employee in a
Government aided secondary school. Grievance
of the petitioner is in spite of making application
for transfer on 21st July, 2022 on Utshasree
portal and same was forwarded by the District
Inspector of Schools (SE), Purba Burdwan on 1st
August, 2022 after doing necessary formalities
to West Bengal Central School Service

Commission, till date concerned authority of the Commission has not taken any decision on the transfer application.

Learned advocates representing the respondents have jointly submitted that contemporaneously decision on transfer application of the petitioner could not be taken due to suspension of Utshasree portal with effect from 29th September, 2022.

However, it has been submitted on behalf of the Commission that if direction is given upon the appropriate authority, transfer 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 to take decision on transfer application of the petitioner by eight weeks from date of communication of this order in accordance with law and the decision to be taken by the Chairman of the Commission shall be communicated to the petitioner by one week thereafter.

However, transfer application of the petitioner shall not be rejected on the ground of suspension of Utshasree portal.

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.

Leave is also granted to learned advocate representing the petitioner to amend the cause-title of the writ petition in order to describe proper name of father of the petitioner, as prayed for on behalf of the petitioner.

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.)