

08.08.2024
Court No. 18
Item No. 75 (ML)
(Suvendu)

WPA 23114 of 2022

Ananda Mandal
-Versus-
The State of West Bengal & Ors.

Mr. Ujjal Ray
.....for the petitioner

Ms. Sayantanee Bhattacharjee
....for the State

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

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

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

In spite of petitioner being recommended
for transfer vide memo dated 5th October, 2021
issued by the Secretary, West Bengal Central
School Service Commission and subsequently
issuance of transfer order dated 8th October,
2021 by the President, West Bengal Board of
Secondary Education, petitioner has not joined
transferred post at the school namely Paschim
Narayanpur High School, District -Malda.

During course of hearing, learned advocate representing the petitioner admitted that the aforesaid school has been named in petitioner's transfer application which was made on 29th September, 2021 as one of the preferred schools for transfer. Transfer application was made on the ground of distance in between the present school of petitioner and his place of residence. Instead of joining transferred post based on transfer order dated 8th October, 2021 petitioner has come up with the present writ petition which was instituted on 30th September, 2022, eleven months after issuance of the said transfer order seeking mandamus thereby directing the respondent authorities to find out whether vacancies are available in other two schools which are named in the transfer application of petitioner. It has been submitted on behalf of the petitioner that there are available vacancies in other two schools which have been named in transfer application of petitioner.

The learned advocate representing the Board as well as the Commission have jointly submitted that based on transfer application recommendation memo was issued on 5th October, 2021 and transfer order was issued on

8th October, 2021 but petitioner till date has not joined the transferred post.

Having considered the submissions made on behalf of the parties and on perusal of record, it transpires that it is not the case that the school where petitioner has been transferred is not named in transfer application dated 29th September, 2021, rather the aforesaid school is one of the three schools named in the transfer application of petitioner. Based on such transfer application when the authorities have issued recommendation and transfer order permitting petitioner to join the transferred post, the petitioner resiled and choose to remain in the original school on the plea that there are vacancies in two other schools which were also named by the petitioner in his transfer application. Once transfer application has been made by a teacher indicating three schools and on consideration of such transfer application when authority has issued order of transfer in connection with one of those three schools in that event this Court finds no necessity to enter into the issue to examine whether vacancies in other two schools are subsisting or not.

Since petitioner has failed to join the transferred post this Court finds no merit in the writ petition and the same stands dismissed.

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.)