

19 24.09.2024
rkd Ct.18

W.P.A. 23708 of 2024

Sudip Swarnakar

-vs-

The State of West Bengal & Ors.

Mr. K. C. Das,
Mr. Sk. Sahjahan

....for the petitioner.

Mr. Kanak Kiran Bandyopadhyay

....for the WBCSSC.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBSSE.

Mr. Sankar Mukherjee,
Ms. Ujani Pal (Samanta)

....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 the present
school of the petitioner and his place of residence.

It has been submitted by the learned
advocate representing the petitioner that the
application seeking transfer was made on
Utsashree portal and same was forwarded by the
school authority where petitioner is presently
working and thereafter the concerned District
Inspector of Schools (SE) has processed the
transfer application of the petitioner on compliance
of necessary formalities and forwarded the same to
the office of the West Bengal Central School Service

Commission for taking final decision through portal on 12th September, 2022.

The grievance of the petitioner is in spite of receipt of transfer application far back on 12th September, 2022 through portal till date no decision has been taken by the Commission. Petitioner prays for direction upon the Commission to decide his transfer application.

The learned advocate representing the State respondents appears on virtual mode.

The respondents are represented by learned advocates who have jointly submitted that due to suspension of Utsashree portal with effect from 29th September, 2022 contemporaneous decision could not be taken.

However, it has been submitted on behalf of the Commission that if direction is given upon the Chairman of the Commission the transfer application of the petitioner shall be decided in accordance with law.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission being respondent no.3 to decide the transfer application of the petitioner in accordance with law by eight

weeks from the date of communication of this order.

The decision to be taken by the respondent no.3 shall be communicated to the petitioner by one week thereafter.

However, it is made clear that suspension of Utsashree portal shall not be a ground for rejecting the transfer application of the petitioner.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)