

26-02-2024
ct no. 13
Sl. 95
pk

WPA 23063 of 2023

Sri Kalyan Singh
-Versus-
State of West Bengal & Ors.

Mr. Saibal Acharya,
Mr. Pradip Paul
..for the petitioner

Mr. Ranjan Saha
...for the DPSC, Paschim Medinipur

Mr. Kamal Mishra,
Mr. Subhadeep Maitra
... for the DPSC, Purba Medinipur.

Mr. Biswabrata Basu Mallick,
Mr. Vinay Kumar Purohit
... for the respondents.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner was allowed mutual transfer on 03.03.2020 but could not join in view of intervening Covid period. The petitioner is continuing to discharge services in the Katranka Primary School under Amarshi Circle, Purba Medinipur.
3. After the covid lockdown was lifted, when the petitioner went to join the post, he was prevented from doing so by the Nischinta Primary School under Narayangarh East Circle.

4. The petitioner claims to have made representation to the Chairman, DPSC, Paschim Medinipur on 02.12.2020 but there is no response. In the meantime, the time for joining the transfer post mutual transfer on mutual ground had lapsed. The writ petition has been filed after a period of three years of service refusal.

5. In the backdrop of the above, one would normally infer that the mutual transfer allowed by the respondent has become infructuous.

6. Be that as it may, if the person with whom mutual transfer was allowed in favour of the petitioner, has joined the Katranka Primary School and there is existing vacancy in the Nischinta Primary School even as on day, the petitioner may be permitted to join the Nischinta Primary School or any nearby school subject to availability of the vacancy.

7. For the aforesaid purpose, the concerned DPSC shall assess afresh the teacher student ratio in the two schools.

8. Let the aforesaid exercise be completed by the concerned Chairman, DPSC Primary School within one month from date.

9. The writ petition is disposed of.

10. There will be no order as to costs.

11. Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities

(Rajasekhar Mantha, J.)