

Ml- 12.08.2024
85 Ct.18
rkd

W.P.A. 24037 of 2022

Netai Mandal

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

....for the petitioner.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey

....for the WBCSSC.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBBSE.

Mr. Rabindra Narayan Dutta,
Mr. Arkoday Mukherjee

....for the State.

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

In spite of service of notice upon the school
authority of Tulshihata High School (HS), District-
Malda being respondent nos. 5 & 6, those
respondents are not represented.

Matter relates to transfer of the petitioner
being an Assistant Teacher in a secondary school
on medical ground.

Placing reliance on a document which is at
page 18 of the writ petition it has been submitted
by the learned advocate for the petitioner that on
27th June, 2022 transfer application was made by
the petitioner on medical ground and the same was

processed by the school authority as well as the concerned District Inspector of Schools (SE) and thereafter the application for transfer was forwarded on 10th September, 2022 to the office of the West Bengal Central School Service Commission.

However, in spite of receipt of transfer application through portal on 10th September, 2022 Commission has not taken decision on the transfer application of the petitioner. Petitioner prays for direction upon the Commission to decide his transfer application.

Respondents excepting school authority are represented who have submitted 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 four 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.)