

03.10.2024
sayandeep
Sl. No. 06
Ct. No. 08

MAT 1897 of 2024
With
CAN 1 of 2024

Papia Singha Roy
-Versus
The State of West Bengal & ors.

Mr. Ekramul Bari
Mr. Sk. Intiaj Uddin

.... for the appellant

Mr. Kanak Kiran Bandyopadhyay

..... for the WBCSSC

Ms. Moumita Karmakar

..... for the State

Ms. Koyeli Bhattacharyya

..... for the WBBSE

Let the certified copy filed today be tagged with
the memorandum of appeal immediately.

On an application seeking transfer on a special
ground, though forwarded through a Managing
Committee of the School to the D.I. of Schools (SE),
Malda, no decision has been taken as yet. Feeling
aggrieved by the apathetic attitude shown by the said
authority in keeping the application in abeyance, the
writ court was approached so that the authorities may
be reminded of their solemn duty which they are
entrusted to discharge but the writ Court appears to
have usurp the powers of the administrative authority
and decided the fate of the application for transfer itself.
The Court should avoid the usurpation of the powers
entrusted upon the authorities and should not

discharge the administrative duties while exercising the judicial powers. The administrative authority has not taken any decision, therefore, the writ Court ought not to have rejected the application for transfer with the categorical finding that the grounds mentioned for transfer is not plausible or reasonable. Even the grounds which have been assigned does not appear to us to be a plausible or reasonable ground for denial of a right to transfer emanating from the statutory provisions.

We, therefore, set aside the impugned order.

The DI of School(SE), Malda is directed to take conscious decision on the said application within four weeks from the date of the communication of this order and shall also take all consequential steps as provided in the statutory Rules. It goes without saying that the competent authorities under the statutory Rules would promptly address the issues and take steps without causing any undue delay.

The appeal and application are disposed of.

(Harish Tandon, J.)

(Partha Sarathi Sen, J.)