

Ml- 12.08.2024
89 Ct.18
rkd

W.P.A. 24329 of 2022

Dipen Acharya

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

....for the petitioner.

Ms. Supriya Dubey

....for the WBCSSC.

Ms. Koyeli Bhattacharyya,

Mr. Bibek Dutta

....for the WBBSE.

Mr. Bibek Jyoti Basu,

Mr. Uttam Kumar De

....for the State.

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

The learned advocate representing the
petitioner submits that the petitioner made an
application for transfer on medical ground due to
ailment of petitioner's wife. After the transfer
application of the petitioner was processed the
same was forwarded by the school authority where
petitioner is presently serving and on receipt of
such transfer application the concerned District
Inspector of Schools (SE) took necessary steps in
accordance with law and the same was forwarded
to the office of the West Bengal Central School
Service Commission on 23rd June, 2022 for taking
final decision.

The grievance of the petitioner is in spite of receipt of transfer application far back on 23rd June, 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.

State respondents are represented by learned advocates.

However, no one is representing the Commission Ms. Supriya Dubey, learned advocate who normally represents the Commission is requested to enter appearance on behalf of the Commission.

Let engagement of Ms. Dubey on behalf of the Commission be regularized.

It has been submitted by the learned advocates representing the respondents that perhaps 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.)