

11 07.10.2024
rkd Ct.18

W.P.A. 25116 of 2024

Souvik Aich & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Shuvro P. Lahiri,
Mr. Rasjesh Naskar,
Mr. Ankan Mondal

....for the petitioners.

Mr. Sunit Kumar Roy

.... For the WBCSSC.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBBSE.

Mr. Moloy Krishna Dey,
Mr. Arindam Mitra

....for the State.

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

Matter relates to mutual transfer of the
petitioners who made offline separate applications
seeking mutual transfer which are at pages 34 and
51 of the writ petition. Petitioners pray for
consideration of mutual transfer applications by
the concerned authority of the West Bengal Central
School Service Commission.

Since the petitioners did not know each
other therefore they did not have opportunity to
apply for mutual transfer formally and the school
authorities have refused to issue “No Objection” for
their mutual transfer.

The prayer of the petitioners for consideration of mutual transfer applications has been opposed by the learned advocate representing the Commission since the mutual transfer applications preferred by the petitioners are not in form and requisite fees of Rs.1,000/- has not been put in by the petitioners.

In this regard reliance is placed on Rule 4 of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012.

Having considered the respective submissions made on behalf of the parties, it appears that petitioners made separate offline applications seeking mutual transfer. Question would arise why the petitioners did not apply on designated portal within the time when the portal was alive.

In addition thereto for making application for mutual transfer procedure has been specified under Rule 4 of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012 whereunder the applicant teacher is required to submit "No Objection and Declaration of the School" before consideration of mutual transfer application by the concerned authority of the Commission.

In the present case the schools where petitioners are working have not issued “No Objection and Declaration of the School” on compliance of necessary formality neither application of the petitioners are in form. It also transpires that requisite fees have not been put in by the petitioners.

In view of aforesaid shortcomings with regard to mutual transfer applications made by the petitioners no relief can be granted. The writ petition stands dismissed.

However, this order shall not preclude the petitioners to apply for mutual transfer in accordance with law, in future.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)