

1607
2024
TUESDAY

Court : 08
Item : DL-04
Matter : FMA
Status : Dal
Bench ID : 266048
Transcriber : NANDY

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMA 299 of 2024
with
CAN 1 of 2023

Asok Kumar Mahato
Vs.
The State of West Bengal & Ors.

Mr. Soumik Ganguly, Advocate
Mr. Dilip Kumar Sadhu, Advocate
Ms. Chandana Chakraborty, Advocate

.....for the Appellant

Mr. Bhaskar Prasad Vaisya, Advocate
Mr. Nilay Baran Mondal, Advocate

.....For the Respondent

1. On the last occasion when this matter was taken up, an argument was advanced that the ground for rejection of a representation against the transfer of the petitioner is discriminatory as several identically circumstanced persons were transferred whereas the application for transfer filed by the petitioner was rejected.
2. We directed the respondent no. 5 i.e. The District Primary School Council, Purulia to disclose as to whether any application for transfer taken out by any Assistant Teacher is allowed despite the School having one or two teachers.
3. Instead of filing such report, it appears to us that the good sense has prevailed over the petitioner/ appellant, who submits that the instant appeal has become infructuous for the reason that the petitioner has already joined the transferred post.

4. In view of the above, the appeal being **FMA 299 of 2024** stands **dismissed as infructuous**. The connected application being **CAN 1 of 2023** also stands **dismissed**.

(Harish Tandon, J.)

(Prasenjit Biswas, J)