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03.09.2024
Ct. No. 18
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W.P.A. 26230 of 2022

**Sudarshan Saha
Vs.
The State of West Bengal & Ors.**

Mr. Ujjal Roy
Ms. Arpa Chakraborty
Mr. Sk. Abdur Rahim
...for the petitioner

Mr. Ivan Roy
...for the respondent nos. 7 to 9

Mr. Moloy Roy
Mr. Sayan Datta
...for the State

Mr. Sunit Kr. Roy
...for the SSC

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

Matter relates to general transfer of the petitioner on the ground of distance in between the school of the petitioner and his place of residence. The learned advocate for the petitioner submits that petitioner made application for transfer on Utsashree Portal and the same was processed by the school authority where petitioner is presently serving and forwarded to the office of District Inspector of Schools (SE) Malda. The concerned District Inspector of Schools (SE) subsequently taking necessary steps forwarded the transfer application of the petitioner through designated portal to the West Bengal Central School Service Commission for taking final decision. Grievance of the petitioner is in spite of receiving transfer

application of the petitioner far back on 5th July, 2022 till date transfer application has not been decided by the Commission.

The school authority is represented by learned advocate who has submitted that transfer application of the petitioner in terms of the relevant Transfer Rules was required to be processed by the school authority since neither petitioner is a single teacher nor embargo relating to 10% of the teaching strength as contemplated under Rule 5(6) of the Transfer Rules of 2015 applies in case of the petitioner.

On behalf of the Commission it is submitted that due to suspension of Utsashree Portal contemporaneous decision could not be taken on the transfer application of the petitioner. However, it is submitted that if concerned authority of the Commission is directed transfer application of the petitioner shall be decided in accordance with law.

Having considered the submissions made on behalf of the respective parties writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission being respondent no. 2 to decide the transfer application of the petitioner by 4 (four) weeks from the date of communication of this order.

The decision to be taken by the respondent no. 2 shall be communicated to the petitioner by 1 (one) week thereafter.

It is made clear that suspension of Portal shall not be ground for rejecting transfer application of the petitioner.

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.)