

D/L10
28.11.2024
Rohit
ct.no.18

WPA 27597 of 2024

**Mita Malakar
Versus
The State of West Bengal & Ors.**

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal
...for the petitioner

Mr. Suman Dey
Ms. Priyanka Jana
...for the State

Mr. Sunit Kumar Roy
.... For the SSC

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

It is submitted on behalf of the petitioner that a recommendation was made by the Secretary of West Bengal Central School Service Commission on 29.10.2021 permitting the petitioner to take transfer to a post in Siliguri Girls' High School. Subsequently, President of the board issued transfer order on 1st November, 2021. However petitioner could not join the transferred post in Siliguri Girls' High School and in support of same reliance is placed on a letter of the said school authority dated 12th November, 2021

which is at page 35 of the writ petition. It was intimated to the petitioner that due to pendency of a case before the Court such vacancy could not be offered to the petitioner. Refusal to permit the petitioner to join the transferred post prompted her to make application for re-recommendation on UTSASHREE portal indicating Rabindranagar Girls' High School being the preferred school where petitioner intends to be transferred on re-recommendation. However, relying upon another document dated 05.04.2024 at page 40 it is submitted that the authority of Rabindranagar Girls' High School (H.S) intimated the petitioner that no post is available in the said school to accommodate the petitioner. Petitioner by presenting this writ petition prays for direction for re-recommending her to another school and not to Rabindranagar Girls' High School (H.S).

State respondents and the West Bengal Central School Service Commission are represented by learned Advocates who has submitted that till date no final decision has been taken by the concerned authority of the Commission on the application of the petitioner seeking re-recommendation. In the event direction is given concerned authority of the commission shall take steps for re-recommending the

petitioner to a school subject to availability of vacancy.

Having considered the submissions made on behalf of the parties writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission being respondent No.4 to disclose the petitioner available vacancies and if petitioner opts for a vacancy for her transfer necessary order shall be passed by the Chairman of the Commission to re-recommend the petitioner transferring her to another school. Aforesaid exercise shall be completed by the Chairman by eight weeks from the date of communication of this order and the decision to be communicated to the petitioner by one week thereafter.

It is made clear suspension of portal shall not be a ground for rejecting re-recommendation application of the petitioner.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Saugata Bhattacharyya, J.)