

26.09.2024
Court No. 18
Item No. 35
(Suvendu)

WPA 27599 of 2022

Anita Sen
-Versus-

The State of West Bengal & Ors.

Ms. Shreyeta Mitra
.....for the petitioner

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
.....for the WBCSSC

Mr. Biswabrata Basu Mallick, Ld. AGP
Mr. Biman Halder
.....for the State

Ms. Koyeli Bhattacharyya
...for the WBBSE

Pursuant to the order dated 9th September, 2024, learned advocate representing the petitioner submits on instruction that petitioner is willing to be transferred to Canning Dwarikanath Balika Vidyalay (HS), District – South 24 Parganas.

A report has already been filed on behalf the Commissioner of School Education dated 5th September, 2024 wherefrom it appears that petitioner could not join transferred post in Canning David Sassoon High School, District – South 24 Parganas in terms of transfer order dated 22nd December, 2020 since the post was

not lying vacant. Petitioner prayed for transfer to some other schools. It was found by the Commissioner of School Education that those vacancies are not available for different reasons. However, it has been disclosed in the report of the Commissioner dated 5th September, 2024 that petitioner can be transferred to Canning Dwarikanath Balika Vidyalay (HS), District – South 24 Parganas.

Today, Dr. Patra, learned advocate representing the Commission submits on instruction that if petitioner is transferred to Canning Dwarikanath Balika Vidyalay (HS) based on the report of the Commissioner of School Education dated 5th September, 2024, Commission has no objection.

It needs to be taken into consideration that transfer order was issued on 22nd December, 2020 by the President, West Bengal Board of Secondary Education in terms of the notification dated 8th March, 2018 and in reference to the Government Order dated 16th October, 2020 read with memo no. 03/GT/DSE dated 27th November, 2020. Therefore, transfer application was not processed by the concerned authority of the Commission rather it was decided by the concerned State authority and

ultimately President of the Board issued transfer order on 22nd December, 2020.

In view of aforesaid steps taken by the concerned respondent authorities as it emanates from previous transfer order dated 22nd December, 2020, Court directs the President, West Bengal Board of Secondary Education to issue fresh transfer order in favour of petitioner by six weeks from the date of communication of this order thereby transferring the petitioner to Canning Dwarikanath Balika Vidyalay (HS), District –South 24 Parganas. On issuance of transfer order, petitioner shall join the post within seven days thereafter on compliance of necessary formalities.

President of the Board is made party but today the President is not represented. Ms. Koyeli Bhattacharyya, learned advocate is present in Court and usually appears on behalf of the West Bengal Board of Secondary Education, is requested to enter appearance on behalf of the President of the Board. Let engagement of Ms. Bhattacharyya be regularized by the concerned authority of the Board. Service of notice upon the President of the Board stands dispensed with.

With the above observations and directions, writ petition stands disposed of.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)