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08.03.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 27900 of 2023

**Suchismita Bhaumik Dasgupta & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Dilip Kumar Maity.
...For the Petitioners.**

**Md. Sarwar Jahan,
Ms. Mousumi Mitra,
Mr. Asif Mehdi,
Mr. Kaustav Roy.
...For the Respondent No.3.**

The petitioners are serving as Samity Education Officers. They seek inter district transfer. The application of the petitioners cannot be processed as none is taking administrative responsibility of the Samity Education Officers who were initially appointed under the Panchayats and Rural Development Department but currently under the administrative control of the education department.

In a similar type of dispute a coordinate Bench of this Court in WPA 3120 of 2023 (Ashim Tarafdar & Ors. -vs- The State of West Bengal & Ors.) passed order on 22nd March, 2023 by directing the Chief Secretary to the Government of West Bengal to nominate an officer to decide the applications for transfer of the petitioners on their own merits.

In compliance of the direction passed by the Court, the Mission Director, Paschimbanga Rajya Shishu Shiksha Mission was nominated by the Chief Secretary to decide the application for transfer of the petitioners therein.

It has been submitted by the learned advocate appearing for the Mission Director that the position which prevailed at the time of passing the order in the earlier writ petition still prevails. It has been submitted that the Mission Director has complied with the direction passed by the Hon'ble Court.

As it appears that there is no change in position from the earlier year to this year, accordingly, there is no reason as to why the direction passed in the earlier writ petition will also not be passed in the present case.

Though in the earlier writ petition direction was passed upon the Chief Secretary for nominating an officer to decide the application for transfer of the petitioners therein and the Mission Director was the person nominated to deal with the issue in respect of the petitioners in the matter of Ashim Tarafdar & Ors, (Supra), accordingly, instead of referring the matter to the Chief Secretary once again, the instant writ petition is disposed of by directing the Mission Director to consider the application for transfer filed by the petitioners herein on its own merit and pass necessary order thereon.

A decision shall be taken in the matter at the earliest, but positively within a period of eight weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)