

10.01.2024
Item No.16
gd

WPA/83/2024
MRITYUNJOY BISWAS
VS
STATE OF WEST BENGAL & ORS.

Mr. Sudip Ghosh Chowdhury,
Mr. Gopal Roy
..for the petitioner.

Mr. Subir Kumar Saha,
Ms. Pratusha Dutta Chowdhury
..for the State.

Mr. Anirban Banerjee
..for the Respondent No.2.

Mr. Bikramaditya Ghosh,
Ms. Supriya Singh
..for SSC.

As prayed for by the learned advocate for the petitioner, leave is granted to the petitioner to amend the cause-title by impleading the District Inspector of Schools (SE), Nadia, as a party respondent in this writ petition.

Since the State is represented by the learned advocate, there is no necessity to serve a copy of this writ petition upon the added respondent.

However, the petitioner shall be obliged to serve a copy of the amended cause-title of the writ petition upon the learned advocates representing the parties.

The petitioner prays for transfer on re-recommendation to be made by the concerned authority of the West Bengal Central School Service

Commission. The petitioner claims that his prayer for transfer was allowed by the Central School Commission vide Memo dated 6th July, 2022 by recommending the petitioner to Ranaghat Bharati High School at Ranaghat.

The petitioner states that when he went to join at the said transferred school, the petitioner was informed that there is no such vacancy available in the said school.

This prompted the petitioner to submit an application for re-recommendation.

The learned advocate for the petitioner places reliance upon an order dated 7th December, 2023 in WPA 9347 of 2023 in the case of Nabanita Mukherjee v. State of West Bengal & Others in support of his contention for re-recommendation.

Mr. Ghosh, learned advocate representing the West Bengal Central School Service Commission, in his usual fairness, submits that the prayer of the petitioner may be directed to be considered in the light of the decision in the case of Nabanita Mukherjee (supra).

The Coordinate Bench in the case of Nabanita Mukherjee (supra) observed that once the Commission has found the petitioner being eligible to be transferred on recommendation and recommendation letter has been issued but in view of

recommending the petitioner to a school where the petitioner could not join not for the fault attributable to the petitioner, it is the duty of the Commission to re-recommend the name of the petitioner to some other school in the said district.

The said decision squarely applies to the fact of this case as the Commission issued a recommendation letter recommending the petitioner to be transferred to a school where the petitioner could not join not for his fault.

This writ petition is disposed of by passing the following directions:

(1) The District Inspector of Schools (SE), Nadia, being the added respondent, is directed to forward a suitable vacancy to the Commission within a period of three weeks from the date of receipt of the server copy of this order.

(2) Upon receipt of such vacancy, the Chairman of the West Bengal Central School Service Commission, being the 3rd respondent herein, shall issue recommendation letter for transfer of the petitioner within a period of two weeks thereafter and the Board in its turn shall issue order of transfer within a period of two weeks thereafter.

Needless to mention that the petitioner shall join the post in terms of the transfer order to be passed by the Board.

There shall be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)