

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

44 04.4.2024
Sc Ct. no.2

WPA 619 OF 2024

Kiran Paul

Vs.

The State of West Bengal & Ors.

Mr. Sudip Ghosh Choudhury
Ms. Madhushri Dutta.

....For the Petitioner

Mr. Subir Kumar Saha
Mr. Pradip Sarkar.

....For the Respondent
State

Mr. Anirban Banerjee

....For the Respondent
No.2

Mr. Sunit Kumar Roy

....For the Respondent
No.3

Affidavit-of-service, filed in Court today, is
taken on record.

The petitioner is an Assistant Teacher who
seeks transfer from one school to another on
medical ground.

Mr. Sudip Ghosh Choudhury, learned
counsel appearing for the writ petitioner referring to
Annexure-P7 at page 18 to the writ petition
submits that, the application had reached before
the respondent no.3.

Mr. Sunit Kumar Roy, learned counsel
appearing for the respondent no.3 submits that,

due to suspension of the Utsashree Portal, the case of the petitioner could not be considered.

Mr. Pradip Sarkar, learned State counsel appears for the respondent nos. 1 and 4.

Mr. Anirban Banerjee, learned counsel appears for the respondent no.2.

Considering the submissions made on behalf of the parties and considering the materials on record, the respondent no.3 is directed to consider the application of the petitioner pending before it positively within a period of **six weeks** from the date of communication of this order.

The respondent no.3 then shall communicate its reasoned decision to the petitioner positively within a period of **one week** from the date of the said reasoned decision to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the writ petitioner in any manner.

It is further made clear that, this order shall not create any equity or right in favour of the petitioner if the petitioner is not eligible to receive her claim for transfer strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

In the event the reasoned decision of the respondent no.3 goes in favour of the petitioner, the appropriate authority/authorities shall take immediate steps to give consequential effect thereto and preferably within a period of **three weeks** from the date of communication of the said reasoned decision to such authority/authorities.

On the above terms this writ petition, **WPA 619 of 2024** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)