

17.12.2024
Court No. 03
Item No.07
(**Suvendu**)

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI*

W.P.A. 2613 of 2024

Chhandita Saha
-vs-
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chaudhury Mr. Soumyajit Laskar	for the petitioner
Mr. Hirak Barman Mr. Sourav Sarkar	for the State
Mr. Sunit Kumar Roy	for the WBCSSC
Ms. Koyeli Bhattacharyya	for the WBBSE

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

Petitioner being Clerk of Mathabhanga Girls
High School, Cooch Behar was recommended for
transfer to Ramthanga High School, Cooch Behar
vide memo dated 3rd March, 2022 issued by the
Secretary, West Bengal Central School Service
Commission based on which President, West
Bengal Board of Secondary Education issued
transfer order dated 8th March, 2022.

Learned advocate representing the petitioner placing reliance on a letter dated 7th March, 2022 issued by Headmaster of Ramthanga High School, Cooch Behar has submitted that petitioner was informed that the post where she was transferred was not lying vacant, as a result whereof transfer order dated 8th March, 2022 issued by the Board could not be given effect to.

Petitioner made application on Utsashree portal seeking re-recommendation.

State respondents, West Bengal Board of Secondary Education and West Bengal Central School Service Commission are represented by learned advocates.

It has been submitted on behalf of the Commission that if concerned authority of the Commission is directed, exercise can be carried out for re-recommending the petitioner 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. 3 to call the petitioner by four weeks from the date of communication of this order and disclose the available vacancies for her transfer. If petitioner opts for a vacancy which

would be disclosed to her, an appropriate order shall be passed to re-recommend the petitioner based on option to be exercised by the petitioner.

A formal order shall be passed on completion of aforesaid exercise by the respondent no. 3 by two weeks thereafter and same shall be communicated to the petitioner by one week thereafter.

It is made clear that suspension of Utsashree portal shall not be a ground to reject the application of the petitioner seeking re-commendation.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)