

12.02.2025
Court No. 18
Item No.13
(Suvendu)

WPA 972 of 2025

Krishna Mahata
-Versus-

The State of West Bengal & Ors.

Mr. Ujjal Ray
.....for the petitioner

Mr. Sunit Kr. Roy
.....for the WBCSSC

Mr. Debasish Kar
...for the State

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

By presenting this writ petition, *inter alia*,
petitioner has questioned memo dated 13th /14th
November, 2024 issued by the Secretary, West
Bengal Central School Service Commission.

It is contended on behalf of the petitioner
that petitioner made transfer application
indicating her preference for three schools for
being transferred. By placing order dated 13th
/14th November, 2024, it is contended that
petitioner ranked second in first preference
school but there is no vacancy in third
preference school. Therefore, according to the
petitioner, she could not be transferred to the

school which was indicated against serial no. 3 in the transfer application.

It is also contended that same candidate stood first in first preference school and in second preference school. Therefore, petitioner if not possible to be transferred to first preference school, she should be transferred to second preference school if first candidate is transferred to first preference school.

It is submitted on behalf of the petitioner that transfer application of selected candidates may not have reached the office of the concerned District Inspector of Schools in connection with transfer to second preference school which ought to have paved way for the petitioner to be considered for being transferred to second preference school.

It is submitted on behalf of the West Bengal Central School Service Commission that reaching of application to the Commission is immaterial while considering *inter se* merit of the candidates for being transferred to the preferred school and that depends upon several other aspects; for instance if a teacher applied for transfer on special ground for example ailment of the teacher concerned or member of his family or some other grounds as classified as special

grounds, in that event he/she is to be given preference over the teacher who applied for transfer on general ground (distance).

Having considered the submissions made on behalf of the parties, it appears that petitioner stood second in the first preference school and stood fourth in the second preference school and in third preference school vacancy is not available. Therefore, transfer of petitioner is required to be considered amongst first and second preference schools. Since same candidate stood first against first and second preference schools and petitioner stood fourth against second preference school, apart from first candidate and petitioner there are other candidates against second preference school.

Hence, at this stage Court ought not to direct the concerned respondent authorities to transfer the petitioner to second preference school ignoring eligibility of two other candidates in between first candidate and fourth candidate.

In view of aforesaid situation, the impugned order dated 13th /14th November, 2024 is refused to be interferred with.

Hence, writ petition stands dismissed.

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 undertaking.

(Saugata Bhattacharyya, J.)