

W.P.A. 1362 of 2025

**Tanima Bhattacharya
Vs.
The State of West Bengal & Ors.**

Ms. Gopa Biswas
Ms. Sampriti Saha
Ms. Swati Dey
...for the petitioner

Mr. Prasanta Kumar Giri
Mr. Krishna Deo Das
...for the State

Mr. Sunit Kumar Roy
...for the SSC

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
...for the WBBSE

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

Learned advocate representing the
petitioner prays for re-recommendation since she
could not join the transferred post in terms of
transfer order dated 26th February, 2021 issued
by the President, West Bengal Board of Secondary
Education. It is further submitted that
Commissioner of School Education made
recommendation vide memo dated 26th February,
2021 and thereafter vide transfer order dated 26th
February, 2021 petitioner was transferred to New
Barrackpore Colony Girls High School. When
petitioner went to join the school teacher-in-

charge of the said school vide letter dated 27th February, 2021 informed the District Inspector of Schools (SE) Barrackpore that the post where petitioner was transferred was not lying vacant. Petitioner prays for necessary direction for re-recommendation which would enable her to join another school on transfer.

Learned advocates representing the respondents have opposed the prayer of the petitioner since petitioner did not approach the authority within reasonable time seeking re-recommendation. It is also submitted by the learned advocate representing West Bengal Central School Service Commission that the issue needs to be re-considered by the Commissioner of School Education since recommendation was not made by the West Bengal Central School Service Commission.

It is true that petitioner has approached this Court belatedly but nothing is on record which goes to show that any third party interest is created. Furthermore, petitioner was recommended by the Commissioner of School Education vide memo dated 26th February, 2021 for transfer and transfer order was issued on 26th February, 2021 but due to non availability of

vacancy petitioner could not join the transferred post.

In view of aforesaid situation Commissioner of School Education, West Bengal is directed to re-visit the issue and pass a reasoned order on the prayer of the petitioner to be re-recommended for transfer by 8 (eight) weeks from the date of communication of this order. Before taking decision Commissioner shall afford opportunity of hearing to the petitioner or her representative. Decision to be taken by the Commissioner shall be communicated to the petitioner by 10 (ten) days thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)