

15 19.02.2025
NB Ct. 17

WPA 3377 of 2025

Dr. Md. Reja Ahammad
Vs.
The State of West Bengal & Ors.

Mr. Usha Maiti,
Mr. Sakya Maity.
...for the petitioner.

Mr. Swapan Kumar Datta Id.AGP.,
Mr. Dipanakar Dasgupta.
...for the State.

Mr. Pulak Ranjan Mandal,
Ms. Bandana Mandal,
Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mahapatra.
...for the respondent nos.6&7.

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

The College Service Commission is represented.

Learned counsel appearing on behalf of the petitioner submits as follows. By an order dated 28th November, 2024 in *WPA 27286 of 2024*, this Court directed the DPI to consider the petitioner's representation dated 11.01.2022 seeking transfer upon granting an opportunity of hearing to the petitioner and other concerned parties in accordance with law within a stipulated time. However, by that time, the petitioner had also submitted other representations seeking transfer before the DPI. However, by an order dated 15.01.2025, the DPI disposed of the application by indicating that the seat available at the College in question being Chhatna Chandidas Mahavidyalaya, Bankura was no more vacant. It was true, this was in

compliance of the order passed by this Court. But, nothing deterred the DPI from considering the subsequent representations of the petitioner seeking transfer to other colleges, especially in view of the fact that the order passed by this Court was becoming redundant in view of filling up of vacancy at the said College.

Learned senior counsel representing the State denies the allegations made in the writ petition and submits that the DPI complied with the order passed by this Court in its true sense.

It appears that the direction passed by this Court upon the DPI to consider the petitioner's representation dated 11th January, 2022 was complied with. However, it is also true that if a pragmatic approach had been taken then in view of filling up of vacancy in the College in question, the DPI would have also considered the subsequent representations made by the petitioner.

The problem seems to be that there is no live data available to the candidates regarding filling up of vacancy. This is not a problem on the part of a candidate. It is for the authorities to provide such data. In absence of this, by the time the candidate's application for transfer to a particular College is taken up for consideration, upon Court's interference or otherwise, the seat gets filled up. The DPI has to deal with this issue with more empathy and pragmatism, meaning thereby that if a further or subsequent application for transfer is pending from the end of the candidate, the same should also be considered.

In view of these peculiar circumstances, the petitioner is granted liberty to make a fresh representation seeking transfer before the DPI within a fortnight from this date. From four weeks of such application, the DPI shall consider the same in accordance with law and upon hearing all concerned and decide the same. Within a week thereafter, the DPI shall communicate the outcome to the petitioner. The outcome shall also be communicated to the College Service Commission.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)