

07.05.2025
SI No.22
Court No.8
(gc)

**FMA 641 of 2025
CAN 1 of 2025**

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

Mrs. Usha Maiti,
Mr. Sakya Maity
... for the Appellant.
Mr. Swapan Kr. Datta, Ld. A.G.P.,
Mr. Dipankar Das Gupta
...for the State.
Mr. Subhrangshu Panda,
Mrs. Ina Bhattacharyya,
Mrs. Mithu Singha Mahapatra
...for the W.B.C.S.C.

1. The grievance of the appellant seems to be that the authorities keeping the application for transfer pending has filled up the vacancies and allowed transfer applications of others. It appears from the impugned order that in absence of any specific data available to the candidates, it was not possible for the candidate to ascertain in advance whether any vacancy exists in the proposed transferee college.
2. Mrs. Usha Maiti, learned Counsel appearing on behalf of the appellant/petitioner has submitted that the application of the petitioner for transfer dated 4th March, 2024 was pending when the impugned order was passed. However, the particular college to which such prayer was made has been filled

up then it may not be possible at this stage to reverse the process. We find that the learned Single Judge has given liberty to the writ petitioner to make a fresh representation to be disposed of by the DPI within a time-frame.

3. We modify this interim order only to the extent that in the event the application dated 4th March, 2024 is still pending and has not been considered as yet, the DPI shall consider the said application first and in the event it is found that the proposed transferee college has no vacancy then the application to be filed in terms of the order dated 19th February, 2025 shall be considered and disposed of within the time framed in the impugned order.
4. The time period in that case shall commence from the date of taking a decision with regard to the representation dated 4th March, 2024. The representation dated 4th March, 2024 first shall be disposed of within four weeks from date and in the event the request for the transfer cannot be allowed for any reason, the fresh representation should be disposed of within four weeks from the date of disposal of the representation dated 4th March, 2024.
5. With the aforesaid observation, the appeal and the connected application are disposed of.

6. However, there shall be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)