

Item No.- 23  
**15.07.2025**  
Court No. 8  
Rohan

**In the High Court at Calcutta  
Civil Appellate Jurisdiction  
Appellate Side**

**FMA 439 of 2025  
With  
I.A. No.: CAN 1 of 2025**

**Krishna Mallick  
Versus  
The State of West Bengal & Ors.**

Mr. Shamimul Bari,  
Ms. Asmita Mitra.

... for the appellant

Mr. Santanu Kumar Mitra, Sr. Govt. Adv.,  
Mr. Subhabrata Das.

... for the State

Mr. R. Biswas,  
Mr. K. Chowdhury.

... for the WBBPE

Mr. Bhaskar Prasad Vaisya,  
Mr. Nilay Baran Mandal.

... for the D.P.S.C., Kolkata

1. The supplementary affidavit filed on behalf of the appellant is taken on record.
2. It is submitted on behalf of the appellant that the appellate authority is not deciding the appeal as the petitioner has not joined the transferred post.
3. However, in the facts and circumstances of the case, we direct the Board to decide the appeal in accordance with law within a period of four weeks from date.

4. The order of transfer shall remain stayed for a period of six weeks or until the decision is taken by the Board in accordance with law, whichever is earlier.
5. The order dated 23<sup>rd</sup> May, 2025 shall remain stayed insisting that the appellant shall comply with the order of transfer before the appeal being heard is set aside. The appellant shall be allowed to perform his duties in his present post till the final order is taken by the Board.
6. The appeal being **FMA 439 of 2025** and the application being **CAN 1 of 2025** stand **disposed of**.

***(Soumen Sen, J.)***

***(Smita Das De, J.)***