

W.P.A. 5818 of 2025

**Aniruddha Biswas
Vs.
The State of West Bengal & Ors.**

Mr. Avishek Prasad
Mr. Sourodeep Singha

...for the Petitioner

Mr. Gourav Das
Mr. Debducta Basu

...for the State

Mr. Kanak Kiran Bandyopadhyay

...for W.B.C.S.S.C

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja

...for W.B.B.S.E

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

Petitioner made an application for mutual transfer along with one Arpita Mondal based on which a transfer order was passed by the President, West Bengal Board of Secondary Education on 8th February, 2021 permitting the petitioner and said Arpita Mondal to be transferred mutually. Unfortunately after the transfer order was passed on 8th February, 2021, said Arpita Mondal tendered resignation from the post of teacher with effect from 9th February, 2021 which is corroborated from a document at page 24 of the writ petition.

A concern is expressed on behalf of the petitioner since mutual transfer order was passed on 8th February, 2021 that in future he will not be able to make transfer application on general ground for a specified period and

during his entire tenure further opportunity may not be provided to him for mutual transfer.

Having considered the respective submissions made on behalf of the parties, this Court finds that based on application made by the petitioner seeking mutual transfer along with said Arpita Mondal though transfer order was passed on 8th February, 2021 but that could not be given effect to for which no fault is attributable to the petitioner. It is due to failure on the part of said Arpita Mondal to join the transferred post coupled with tendering her resignation with effect from 9th February, 2021, petitioner could not join the transferred post.

In view of aforesaid scenario, the concerned respondent authorities are directed to permit the petitioner to get the benefit of transfer without considering mutual transfer order dated 8th February, 2021, if otherwise petitioner is eligible to get the benefit of transfer.

With the above direction, writ petition stands disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)