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16.6.2025
Ct. No. 8
SB

MAT 390 of 2025
CAN 1 of 2025
CAN 2 of 2025

Smt. Jayeeta Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Shamim-ul-Bari
Ms. Jhilik Singha
Ms. Asmita Mitra ...for the appellant

Ms. Piyali Sengupta
Mr. Ayan Dutta ... for the State

Mr. Sourav Mitra ... for the C.S.S.C.

CAN 1 of 2025

1. Affidavit of service is taken on record.
2. There is a delay of 194 days in filing the appeal.
3. We are satisfied with the explanation offered for not being able to file the appeal within the period of limitation. The delay of 194 days is condoned.
4. Accordingly, the application being CAN 1 of 2025 for condonation of delay is allowed and disposed of.

MAT 390 of 2025

5. The issue involved in this transfer application made by the writ petitioner for transfer on the ground of distance. The learned Single Judge is disposed the said application on the ground that the respondent no. 4 shall make all endeavour to find out an willing teacher of neighbouring school who can be posted in the said school in place of the writ petitioner temporarily which would facilitate till the regular incumbents joins the post of the writ petitioner after her transfer.

6. Mr. Bari, learned counsel appearing on behalf of the appellant submitted that this is the similar issues which have been decided by this Bench in MAT 64 of 2025 [Piyali Goswami vs. The State of West Bengal & Ors.] and MAT 2108 of 2025 [Tripti Biswas vs. The State of West Bengal & Ors.] dated 19.5.2025 and 13.12.2023 respectively.
7. The issues deferring the consideration for transfer unless willing teacher is available, has been considered in the said two judgements since the issues are almost similar and identical. On such consideration and keeping in mind the welfare of the students, we direct the District Inspector of School (S.E.) of 24 Parganas (South) to find out suitable teacher from the neighbouring school who can be posted in place and stead of the writ petitioner temporarily in order to facilitate the transfer of the writ petitioner till the regular incumbents joins the post of the writ petitioner after her transfer. The said direction is inconformity with the earlier decision and following the ratio of the decisions.
8. However, the entire exercise shall be completed on or before February 2026 and shall be in terms of the notification dated January 3, 2022. If local arrangement is made in the meantime, the writ petitioner shall be allowed to take transfer in accordance with law.
9. With these directions, the appeal and connected applications are disposed of.

(Soumen Sen, J.)

(Smita Das De, J)