

13.08.2025
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CPAN 423 of 2018
Chhanda Mandal
– *Versus* –
Dushyant Nariale & Others

Mr. Ujjal Roy
... for the petitioner.
Mr. Bhaskar Prasad Vaisya,
Mr. Suman Dey
... for the alleged contemnor
nos.1, 2 & 5.

The present contempt application has been preferred alleging violation of an order dated 30th November, 2017 passed by this Court in a writ petition, being W.P.No.21745 (W) of 2017 [newly numbered as WPA 21745 of 2017]. By the said order, this Court directed the Secretary, School Education Department, West Bengal to recommend the petitioner's prayer to the West Bengal Central School Service Commission (hereinafter referred to as the Commission) for general transfer on special ground upon proper examination, in terms of the Rule 7(3) of 2015 Rules positively within a period of two weeks from the date of communication of the order. It was further directed that in the event such recommendation cannot be issued in favour of the petitioner, a reasoned decision to that effect must be communicated and in the event the petitioner's claim is recommended and forwarded, the Commission shall

take necessary follow up steps in terms of the 2015 Rules without any further delay.

Mr. Roy, learned advocate appearing for the petitioner submits that even after communication of the order, the alleged contemnors maintained a deceptive silence and acted in blatant violation of the direction of this Court. The petitioner's prayed for transfer to Sonamukhi Girls' High School, Sonamukhi, Dist. – Bankura (hereinafter referred to as the said school). The said post was vacant till the month of August, 2018 as on 31st August, 2018 recommendation letter was issued to one Mithu Bagdi. In view thereof, it is explicit that due to the delay on the part of the alleged contemnors, the vacancy in the said school could not be allotted to the petitioner. Having failed to do so and in circuitous manner the petitioner was recommended to Panchal High School (HS), Bankura by a memo dated 22nd September, 2020 and as the said school was very far away from the petitioner's residence, she had no option but to decline such offer. Due to delay on the part of the alleged contemnors towards compliance of this Court's order the petitioner could not avail the posting at the said school.

Mr. Vaisya, learned Additional Government Pleader, assisted by Mr. Dey, learned advocate,

appearing for the alleged contemnor nos.1, 2 and 5, however, denies the contention of Mr. Roy and submits that the alleged contemnors have, in fact, acted in strict compliance of the order passed by this Court. Pursuant to the order dated 30th November, 2017, the petitioner was recommended to the Commission *vide* memo dated 7th February, 2018. The first option of the petitioner was for transfer to the said school, however, the vacancy in the said school was notified for the subsequent selection process to be conducted by the Commission and was accordingly not available. However, by a memo dated 3rd June, 2019 the Secretary of the Commission requested the District Inspector of schools (SE) Bankura to send a vacancy report of Soanmukhi Girls' High School. In response thereto, it was intimated by a memo dated 5th July, 2019 that '*at present no vacancy is lying in Political Science subject under HS section at Soanmukhi Girls' High School, Bankura*'.

Drawing our attention to paragraph 13 of the affidavit-in-opposition, he submits that the petitioner was thereafter recommended to Fulkushma High School, Fulkushma, Dist. – Bankura but she did not accept the same. Thereafter, again as a vacancy occurred at Panchal High School, the petitioner was recommended to Panchal High School *vide* memo

dated 22nd September, 2020 but she again refused to join and submitted a letter dated 28th September, 2020 declining to accept the proposed transfer.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

From the averments made in paragraph 6 of the affidavit-in-opposition, it appears that the vacancy at Sonamukhi Girls' High School for which the petitioner did exercise her first preference, was reported to the Commission in the year 2016. Pursuant thereto, the Commission notified the said vacancy in the selection process of 2016. The order of this Court was passed thereafter on 30th November, 2017. This Court by the order dated 30th November, 2017 directed the Secretary, School Education Department, West Bengal to recommend the petitioner's prayer to the Commission for general transfer on special ground. The said direction was complied with, as would be explicit from the memo dated 7th February, 2018. By the said order this Court also directed the Commission to take follow up steps in the event the petitioner's claim is recommended. Pursuant to such direction the Commission had also taken steps but as the vacancy at Sonamukhi Girls' High School was notified for the

selection process, the petitioner could not be offered the said post.

From such conspectus of facts, it does not appear that there had been any deliberate or willful violation of the order passed by this Court.

In view thereof, no further interference is called for in the present contempt application and the same is, accordingly, disposed of.

Rule, if any, stands discharged.

Needless to observe, this order shall not prevent the petitioner from initiating proceedings before any other forum seeking relief, in accordance with law.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Tapabrata Chakraborty, J.)