

S/L. 11.
May 1, 2025.
KAUSHIK.

WPA No. 8470 of 2025

Banipada Guchhait
Vs.
The State of West Bengal and Others

Mr. Balai Lal Sahoo
Mr. Rudranil De
... for the petitioner.

Mr. Sakya Maity
... for the respondent no. 10

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja
... for the WBBSE

Affidavit of service filed in Court is taken
on record.

Petitioner made application for transfer being 'Group-D' staff of Kanaidighi Deshpran Vidyapith, Purba Medinipur. On processing the transfer application, Secretary, West Bengal Central School Service Commission (WBCSSC) vide memo dated 26th December, 2021 recommended the petitioner from the aforesaid school to Chandanpur Birendra Siksha Sadan (Chandanpur B. S. Sadan), Purba Medinipur. West Bengal Board of Secondary Education acted on the basis of the recommendation memo and transferred the petitioner by issuing order dated 29th December, 2021. However, petitioner could not join the post where he was transferred. Since authority of Chandanpur B. S. Sadan did

not permit the petitioner to join due to pendency of litigations, which prompted the petitioner to make application for re-recommendation dated 3rd January, 2022.

In consideration of prayer for re-recommendation dated 3rd January, 2022, Deputy Secretary (Administration), West Bengal Board of Secondary Education vide memo dated 11th September, 2023 asked the District Inspector of Schools (S.E.) concerned to inform relating to the vacancy position of 'Group-D' staff in Chandanpur B. S. Sadan and in response thereto, District Inspector of Schools (S.E.), Purba Medinipur vide memo dated 26th July, 2024 informed the Deputy Secretary (Administration), West Bengal Board of Secondary Education that vacancy of 'Group-D' staff was lying in said school. Petitioner prays for direction for his transfer to Chandanpur B. S. Sadan in view of availability of vacancy of 'Group-D' staff.

Respondents are represented by learned advocates and it is submitted on behalf of WBCSSC that though the vacancy is lying in that particular school but such vacancy may have arisen subsequently.

In consideration of the respective submissions made on behalf of the parties, this Court finds that petitioner was found to be eligible

for transfer as a result whereof recommendation memo was issued on 26th December, 2021 on behalf of WBCSSC and subsequent thereto, transfer order was issued on 29th December, 2021 so that petitioner can join the post of 'Group-D' in Chandanpur B. S. Sadan. However, petitioner was not permitted to join the post at the material point of time for which no fault is attributable to the petitioner. Relying upon the memo dated 26th July, 2024 of District Inspector of Schools (S.E.), Purba Medinipur, it appears at present post of 'Group-D' is lying vacant. Therefore, this Court finds no impediment in giving direction upon the respondent authorities to transfer the petitioner to the post of 'Group-D' in Chandanpur B. S. Sadan.

Hence, Secretary, WBCSSC is directed to issue re-recommendation memo by fortnight from date for transfer of the petitioner to the post of 'Group-D' in Chandanpur B. S. Sadan if the vacancy is still lying. Based on such re-recommendation memo, Secretary, West Bengal Board of Secondary Education is directed to issue transfer order by fortnight thereafter.

After issuance of transfer order, petitioner shall join the post of 'Group-D' in Chandanpur B. S. Sadan by seven days thereafter on compliance of necessary formalities.

Writ petition stands disposed of.

Urgent Xerox certified copy of this order be given to the parties expeditiously, if applied for, on usual undertakings.

(Saugata Bhattacharyya, J.)