

01.05.2025
SI No.14
Court No.8
(gc)

**MAT 609 of 2025
CAN 1 of 2025**

**Susmita Chakraborty
Vs.
The State of West Bengal & Ors.**

Mr. Kallol Basu, Sr. Adv.,
Mr. Sabyasachi Chatterjee,
Mr. Badrul Karim,
Mr. Kiron Sk.,
Ms. Atreya Chakraborty,
Ms. Sreejita Sen,
Mr. Aritra Ghosh

... for the Appellant.

Mr. Bhaskar Prasad Vaisya, Ld. A.G.P.,
Mr. Nilay Baran Mandal

...for the State.

Mr. Subir Sanyal, Sr. Adv.,
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

...for the DPSC, Howrah.

1. The transfer order in the teeth of a show cause may, *prima facie*, appear to be punitive and the appellant's right to challenge such transfer order under Rule 10 of the West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002 may be rendered illusory. It is not desirable that steps are taken to make such statutory remedy infructuous.
2. On such consideration, we dispose of this appeal by giving liberty to the appellant/petitioner to prefer an appeal under Rule 10 of the Rules, 2002 within one week from date and the Board shall dispose of the

appeal by passing a reasoned order within four weeks thereafter.

3. If the appeal is not preferred within one week from date, protection extended to the petitioner shall be automatically withdrawn and the relieve order shall become immediately operative.
4. The parties shall be given reasonable opportunity of hearing by the Board.
5. The release order shall abide by the result of the appeal. However, it shall not be given effect to till the disposal of the appeal.
6. The Board shall not be influenced by any observation made by us in this order.
7. We make it clear that we have not gone into the merits of the matter.
8. Since no affidavit-in-opposition is filed, all allegations are deemed to have been denied.
9. Accordingly, the appeal and the connected application are disposed of.
10. However, there shall be no order as to costs.
11. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)