

MAT 694 of 2025
with
IA No. CAN 1 of 2025
and
IA No. CAN 2 of 2025
(Manabendu Poddar Vs. The State of
West Bengal & Ors.)

Mr. Suvro Prokash Lahiri
..... For the appellant

Ms. Mitali Mukhopadhyay
Ms. Indrani Nandi
..... For the State

Mr. Sunit Kr. Roy
..... For the SSC

Affidavit-of-service, as filed, be kept on record.

As we have invited the learned advocates to advance their arguments on merits of the matter, the delay in preferring the appeal is condoned. The application being IA No. CAN 2 of 2025 is disposed of.

The present appeal has been preferred challenging an order dated 3rd October, 2024 passed by the learned single Judge in a writ petition being WPA 24428 of 2024. By the said order, the parties were directed to exchange their affidavits and the writ petitioner/appellant herein, namely, Manabendu Poddar (in short, Manabendu) was also granted liberty to mention the matter before the appropriate Bench for expeditious hearing after expiry of the period fixed for exchange of affidavits.

Mr. Lahiri, learned advocate appearing for Manabendu submits that Manabendu submitted an application for general transfer under the relevant rules.

Such application was forwarded to the West Bengal School Service Commission (in short, Commission) through the District Inspector of Schools (S.E.), Murshidabad. However, the said Commission was not taking steps towards disposal of his application for transfer. Aggrieved thereby, Manabendu approached the writ Court with an innocuous prayer for issuance of necessary direction upon the said Commission to dispose of his application for general transfer. However, the learned single Judge called for affidavits to decide an issue which was not even urged by Manabendu.

He submits that by the impugned order consideration of Manabendu's claim for transfer has been deferred causing extreme prejudice and as such, interference is called for in the present appeal.

Mr. Roy, learned advocate appearing for the Commission submits that there was no scope for issuance of any interim order in the writ petition and the learned single Judge upon considering the facts involved was of the opinion that the writ petition needs to be decided upon exchange of affidavits. There is no infirmity in such direction.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

From the order impugned it appears that the learned single Judge was of the opinion that whether after a

teacher's application for general transfer has been turned down on the ground that the same was beyond 10% of the existing teachers strength, as contemplated under Rule 5(6) of the Transfer Rule, 2015, a second application by the same teacher is sustainable in the absence of any fresh appointment of a teacher in the said school, needs to be decided upon exchange of affidavits and accordingly, affidavits were called for within a specified period with liberty to Manabendu to mention the matter before the appropriate Bench for expeditious hearing after expiry of the period fixed for exchange of affidavits.

We do not find any infirmity in the said order and that as such no interference is called for in the present appeal.

The appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)