

Ml- 07.01.2025
220 Ct.18
rkd

W.P.A. 13421 of 2023

Ankita Ray

-vs-

The State of West Bengal & Ors.

Mr. Gouranga Kumar Das,
Ms. Poulami Dutta

....for the petitioner.

Mr. Supriyo Chattopadhyay,
Ms. Sayantanee Bhattacharjee

....for the State.

Mr. Bibek Dutta,

....for the WBBSE.

Mr. Sourav Mitra

....for the WBCSSC.

Matter is heard in presence of the learned advocates representing the petitioner who appears online, State respondents and West Bengal Central School Service Commission.

By presenting this writ petition, *inter alia*, petitioner has prayed for consideration of her application made offline on 13th April, 2023 addressed to the Secretary, West Bengal Central School Service Commission as well as Secretary, School Education Department.

From a document at page 45 of the writ petition, it appears that the distance in between the present school of the petitioner and her place of residence is 40 Kilometres. It is also submitted that petitioner has been a victim of domestic violence.

A matrimonial suit was pending between the petitioner and her husband which was culminated into an order dated 16th January, 2023 passed by the Hon'ble Division Bench of this Court on appeal being No. FA 175 of 2022 (Ankita Ray – vs- Ardhendu Kumar Roy).

The dispute in between the parties to the aforesaid appeal was referred to the mediation and issue was settled by and between the parties. Based on the report of the mediator, it was recorded in the order dated 16th January, 2023 passed by the Hon'ble Division Bench that parties have in their separate statements recorded and clearly stated that marriage became unworkable and marriage may be dissolved on the agreed terms of settlement. Therefore, it can be concluded on placing reliance on order dated 16th January, 2023 passed by the Hon'ble Division Bench that there has been dissolution of marriage in between the petitioner and her husband.

In addition thereto, it appears from a document at page 44 of the writ petition that the only son of the petitioner has been suffering from disability and in support of the same medical board constituted by Malda Medical College and Hospital has issued a certificate on 20th January, 2021.

It is true that the petitioner did not make application for transfer on special ground on Utsashree portal but the plight of the petitioner needs to be taken into consideration while adjudicating the issue involved in this writ petition. At the material point of time there was marital discord continuing in between the petitioner and her husband and she was staying at her paternal house with a son who was suffering from disability.

In view of aforesaid situation as a special case Court directs the Chairman, West Bengal Central School Service Commission to decide transfer application of the petitioner dated 13th April, 2023 which is at pages 46 to 47 of the writ petition by 8 weeks from the date communication of this order after granting opportunity of hearing to the petitioner or her representative.

The decision to be taken by the Chairman shall be communicated to the petitioner by one week thereafter.

The concerned District Inspector of Schools (SE), Murshidabad being respondent no.7 is directed to cooperate with the Chairman in taking decision upon forwarding available vacancy statement to the Chairman of the Commission, if same is required.

Leave is granted to the petitioner to amend the cause title of the writ petition and to add Chairman, West Bengal Central School Service Commission as additional respondent in course of this day.

However, service of notice upon the additional respondent is dispensed with since West Bengal Central School Service Commission is represented by learned advocate.

The writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)