

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16029 of 2024

Mousumi Dutta
-versus
The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal
...For the petitioner

Mr. Joydip Banerjee
Mr. Subhendu Bandyopadhyay
... For the State

Mr. Kanak Kiran Bandyopadhyay
... For the WBCSSC

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
... For the WBBSE

1. The petitioner seeks transfer. The impugned order of the Commission dated 21st June, 2023 mentions that her rank is presently at the 2nd position in her 1st preferred school, 3rd position in the 2nd preferred school and 1st position in the 3rd preferred school. Third preferred school has enrolment of 131 students with total 15 teachers and no further recommendation can be generated based on the Pupil-Teacher Ratio of the school. The Commission is only left with schools where the petitioner's rank is 2nd and 3rd.

2. Learned advocate for the Commission was directed to revert with instruction as to whether the candidates whose name appear in the 1st and 2nd

position in the two preferred schools by the petitioner are agreeable to join on transfer. The Commission has not been able to forward the instruction as sought for.

3. In view of the above, the Commission is directed to grant an opportunity of hearing to the petitioner and other candidates whose names appear at the top of the petitioner in the rank list to ascertain as to whether they are interested to join in the vacancies.

4. If no one is willing to join, then the petitioner may be recommended for joining in any one of the schools preferred by her.

5. In the event the vacancies are not available, then the petitioner has to apply afresh seeking transfer.

6. A decision shall be taken by the Commission at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

7. It is made clear that suspension of the Utsashree portal will not be a ground for not processing and proceeding with the application for transfer that is pending disposal at the end of the Commission.

8. The writ petition stands disposed of.

9. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)