

08.08.2025
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FMA 1175 of 2025
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IA No.: CAN No. 1 of 2025
Sujit Kumar Mandal
– *Versus* –
The State of West Bengal & Others

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das
... for the Appellant.

Mr. Nilotpal Chatterjee,
Ms. Munmun Ganguly,

... for the State/Respondents.

Mr. Sourav Mitra
... for the CSSC.

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

The present appeal has been preferred challenging a part of the judgment dated 6th May, 2025 delivered by the learned Judge in a writ petition being WPA 17196 of 2022.

Mr. Jana, learned advocate appearing for the writ petitioner/appellant, namely, Sujit Kumar Mandal (in short, Sujit) submits that Sujit submitted repeated applications for transfer. The first application was submitted on 9th August, 2021 and the last one was submitted on 23rd January, 2022. Had the first application been considered by the respondents, in accordance with law, there would not have been any necessity to file a further application on 23rd January, 2022 and in view thereof, the said transfer application needs to be

considered in terms of the Rules prevalent on the date of his first application.

Drawing our attention to paragraphs 17 to 20 of the impugned judgment, Mr. Jana submits that the learned Judge after having observed that the last representation dated 23rd January, 2022 is still pending and that a decision should be taken thereon, erroneously dismissed the writ petition and such observations and directions are self-contradictory.

Mr. Mitra, learned advocate enters appearance on behalf of the Commission and submits that there is no material on record to show that the school authorities had forwarded Sujit's application for transfer dated 23rd January, 2022 to the concerned District Inspector of Schools (Secondary Education) [hereinafter referred to as the DI(SE)].

Ms. Ganguly, learned advocate appearing for the State/respondents submits that the writ petition had been rightly dismissed as Sujit's prayer was to direct consideration of his last representation in terms of the Rules prevalent on the date of his first application.

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

The learned Judge arrived at finding that Sujit's application dated 23rd January, 2022 is still pending and that the same should be considered as per the Rules

prevalent on the date of filing of the said application. Having thus kept Sujit's prayer for consideration of his last application for transfer dated 23rd January, 2022 alive, the learned Judge ought not to have directed dismissal of the writ petition. The directions contained in the judgment are thus inconsistent.

We have been informed by the parties that the operation of the transfer portal stands suspended. In view thereof, Sujit is directed to submit the down loaded copy of his transfer application dated 23rd January, 2022 along with all relevant documents and a copy of this order to the school authorities within a period of two weeks from date.

Within a period of four weeks from the date of receipt of the said application and documents, the school authorities (i.e., the respondent nos. 7 and 8), shall consider the same in terms of the Rules prevalent on the date of filing of the said application dated 23rd January, 2022 and forward the same *off line* to the respondent no.5 with their remarks.

Within a period of four weeks from the date of receipt of such communication from the school authorities, the respondent no.5 shall consider the same in terms of the Rules prevalent on the date of filing of the transfer application dated 23rd January, 2022 and take a decision, in accordance with law and communicate the same to Sujit.

With such modification of the impugned judgment, the appeal and the connection application are disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

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