

01.09.2025
Court No. 18
Item No. 18
(Suvendu)

WPA 17442 of 2025

Partha Sarathi Sen
-Versus-
The State of West Bengal & Ors.

Mr. Mrinal Kani Sardar
Mr. Shuvro Prokash Lahiri
Ms. Aparna Mandal
.....for the Petitioner

Mr. Sourav Mitra
.....for the WBCSSC

Mr. Sudipto Panda
Mr. Shibasish Banerjee
.....for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.

2. In the writ petition memo dated 2nd April, 2025 issued by the Secretary, West Bengal Central School Service Commission (for short, "Commission") is questioned. Based on observation made by this Court while disposing of previous writ petition being WPA 28737 of 2024 preferred by the petitioner, it is submitted by learned advocate representing the petitioner that apart from vacancy which was indicated in the transfer application lying in Dabri SSB High School (HS), Bankura (hereinafter referred to as "said school") petitioner was willing to be

transferred to any other school which situates nearby to his place of residence. However, Secretary of the Commission rejected the transfer application of the petitioner on finding that there was no vacancy in said school.

3. State respondents and the Commission are represented by learned advocates.

4. At first blush, it appears that impugned memo dated 2nd April, 2025 containing decision of the Secretary of the Commission is not tenable as vide order of this Court dated 11th December, 2024 Chairman of the Commission was directed to decide petitioner's transfer application. Secretary of the Commission was not authorized to take decision on transfer application of the petitioner. On this score alone impugned memo dated 2nd April, 2025 ought not be retained in record. Hence, memo dated 2nd April, 2025 is set aside.

5. Since memo dated 2nd April, 2025 is set aside, subsequent memo dated 26th May, 2025 issued by the Secretary-in-Charge of the Commission is also set aside.

6. The Chairman of the Commission being respondent no. 4 is directed to decide the transfer application of the petitioner afresh within four weeks from date of communication of

this order after granting opportunity of hearing to the petitioner. Petitioner shall be disclosed other vacancies in the schools which situate nearby to the place of petitioner's residence when petitioner will appear before the respondent no. 4 and if petitioner opts a vacancy, transfer order shall be passed thereby transferring the petitioner to opted vacancy. An order shall be passed by the respondent no. 4 within the aforesaid period of four weeks and same shall be communicated to the petitioner by fortnight thereafter.

7. Writ petition stands disposed of.
8. There shall be no order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)