

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 17703 OF 2025

**SMT MOUMITA SAHA DEY
VS.
THE STATE OF WEST BENGAL & OTHERS**

Mr. Apurba Krishna Das, Adv.
Mr. Sanjoy Ghosh, Adv.
...for the Petitioner

Mr. Bhaskar Prasad Vaisya, AGP
Mr. Ranjan Saha, Adv.
...for the State

Mr. Sunit Kumar Roy, Adv.
...for the W.B.C.S.S.C.

Ms. Koyeli Bhattacharyya, Adv.
Mr. Bibek Dutta, Adv.
...for the W.B.B.S.E.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. It is a case of re-recommendation since petitioner could not join the post on transfer in terms of previous recommendation. Taking note of this fact writ petition being *WPA 16067 of 2022* was disposed of *vide* order dated 29th August, 2024 directing the Chairman, West Bengal Central School Service Commission being respondent no.4 to call the petitioner and disclose available and suitable vacancies where petitioner could be accommodated. If petitioner opts a vacancy on disclosure of vacancies, appropriate order shall be passed permitting the petitioner to be transferred to the said vacancy.

3. In terms of the order dated 29th August, 2024 passed by this Court petitioner appeared before the respondent no.4 on 19th September, 2024 but the petitioner did not opt from vacancies which were disclosed to her as a result thereof necessary order could not be passed by the respondent no.4 for transfer of the petitioner. Subsequently, Secretary of West Bengal Central School Service Commission *vide* memo dated 26th December, 2024 informed the petitioner that a vacancy in Barisali High School, Purba Bardhaman is available where petitioner can be transferred on re-recommendation.
4. It is submitted by the learned advocates representing the petitioner and the Commission that till date petitioner has not expressed willingness for transfer to the post in Barisali High School, Purba Bardhaman.
5. Leave is granted to the petitioner to express her willingness by fortnight from date for her transfer to Barisali High School, Purba Bardhaman.
6. In the event petitioner's willingness is communicated to the respondent no.4 within the aforesaid time, respondent no.4 is directed to pass appropriate order permitting the petitioner to be transferred to Barisali High School, Purba Bardhaman.

7. In the event no willingness is expressed within the aforesaid time, concerned respondent authority shall be at liberty to utilize the vacancy otherwise.
8. With the foresaid directions and observations, writ petition stands disposed of.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)