

15.09.2025
Court No. 18
Item No.09
(Suvendu)

WPA 18741 of 2025

Biman Mondal
-Versus-

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
.....for the petitioner

Mr. Pinaki Dhole
Mr. Sabyasachi Mondal
.....for the State

Mr. Sunit Kumar Roy
.....for the WBCSSC

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. In the writ petition two memoranda of the Secretary of West Bengal Central School Service Commission (for short, "Commission") are questioned whereby transfer application of the petitioner was decided.
3. On hearing learned advocates representing the parties and taking note of the direction as contained in the order dated 9th January, 2025 passed by this Court on earlier writ petition being WPA 29716 of 2024 (Biman Mondal Vs. The State of West Bengal & Ors.), it transpires that Chairman of the Commission was directed to take decision on the transfer application of the petitioner. Therefore, Secretary of the

Commission is not authorized to take decision on the transfer application of the petitioner though in violation of the order of this Court dated 9th January, 2025 Secretary of the Commission decided the transfer application of the petitioner.

4. Above exercise of the Secretary of the Commission is deprecated.
5. Two memoranda dated 24th January, 2025 and 5th March, 2025 issued by the Secretary of the Commission, are set aside.
6. Chairman of the Commission is directed to take decision on transfer application of the petitioner.
7. Petitioner is granted leave to make further application before the Chairman of the Commission indicating vacancies which can be considered for his transfer. If application is made by the petitioner by fortnight from date, same shall be considered by the Chairman of the Commission while deciding transfer application by four weeks thereafter. A reasoned order shall be passed by the Chairman of the Commission and same shall be communicated to the petitioner by fortnight thereafter.
8. Writ petition stands disposed of.

9. There shall be, however, no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)