

20.

21.01.2025  
Ct. No. 18  
(ARPAN)

**W.P.A. 19911 of 2023**

**Tanmoy Bhadra  
Vs.  
The State of West Bengal & Ors.**

Mr. Sakti Pada Jana  
Mr. Subhajyoti Das  
Mrs. Sudipta Pramanik

...for the Petitioner

Mr. Bhaskar Prasad Vaisya, AGP  
Mr. Nilay Baran Mandal

...for the State

Mr. Sourav Mitra

...for W.B.C.S.S.C

Ms. Koyeli Bhattacharyya  
Mr. Bibek Dutta  
Ms. Keya Panja

...for W.B.B.S.E

In terms of the order dated 9<sup>th</sup> December, 2024 a report has been filed by the Commissioner of School Education, West Bengal dated 6<sup>th</sup> January, 2025. From the report it appears that in view of declaring Section 10C of the West Bengal School Service Commission Act, 1997 *intra vires* by the Hon'ble Division Bench by judgment dated 27<sup>th</sup> July, 2023 on a batch of matters, one of which was WPO 3066 of 2020 (*Rabin Tudu v. State of West Bengal & Ors.*) and the judgment of the Hon'ble Division Bench dated 27<sup>th</sup> July, 2023 was not interfered with by the Hon'ble Supreme Court while dismissing civil appeals being Nos.937-961 of 2024 on 26<sup>th</sup> September, 2024, there is no impediment in transferring the petitioner based on recommendation memo dated 19<sup>th</sup> April, 2023.

*Vide* said recommendation memo dated 19<sup>th</sup> April, 2023 issued by the concerned authority of the

West Bengal Central School Service Commission petitioner was recommended for transfer from Paschim Putiary Sukharanjan Vidyamandir (H.S.), Haridevpur, Kolkata to Karanjali B.K. Institution, South 24 Parganas. Since constitutionality of Section 10C has already been decided by the Hon'ble Division Bench in the judgment dated 27<sup>th</sup> July, 2023 and the same was not interfered with by the Hon'ble Supreme Court while dismissing civil appeals being Nos.937-961 of 2024 (*Secondary Teachers and Employees Association (STEA) and Anr. Etc. v. The State of West Bengal & Ors. Etc.*) on 26<sup>th</sup> September, 2024 respondent authorities are at liberty to take steps based on recommendation memo dated 19<sup>th</sup> April, 2023 for transfer of the petitioner in accordance with law. Therefore, recommendation memo dated 19<sup>th</sup> April, 2023 survives in view of the law laid down by the Hon'ble Division Bench by delivering judgment dated 27<sup>th</sup> July, 2023 and the order passed by the Hon'ble Supreme Court on 26<sup>th</sup> September, 2024.

The report dated 6<sup>th</sup> January, 2025 filed by the Commissioner of School Education, West Bengal before this court is taken on record.

With the above observations, writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**