

Ml 17.02.2025
110 Ct.18
rkd

W.P.A. 23235 of 2023

Smt. Dipanwita Aich Guha

-vs-

The State of West Bengal & Ors.

Ms. Shalini MUKherjee,
Ms. Ananya Mondal

....for the petitioner.

Mr. Sourav Mitra

....for the WBCSSC.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Datta,
Ms. Keya Panja

....for the WBBSE.

Report filed on behalf of the West Bengal Board
of Secondary Education is taken on record.

A supplementary affidavit is also filed on behalf
of the petitioner and same is taken on record.

In the writ petition recommendation memo
issued by the West Bengal Central School Service
Commission dated 19th April, 2023 for transferring the
petitioner to Lakshminarayanpur Adarsha High
School, South 24 Parganas has been questioned.

On perusal of such recommendation memo
dated 19th April, 2023 of the Commission, it appears
that petitioner was transferred in terms of Section 10C
of the West Bengal School Service Commission Act,
1997. Such recommendation was made by the

Commission in terms of the memo dated 31st March, 2023 issued by the Deputy Secretary, Government of West Bengal. During course of submission it has been submitted on behalf of the petitioner that she has joined the transferred post on 29th September, 2023.

It needs to be recorded herein that constitutionality of Section 10C has already been decided by the Hon'ble Division Bench in the judgment dated 27th 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 26th September, 2024.

Since Section 10C of the West Bengal School Service Commission Act, 1997 has been declared *intra vires* and the petitioner has already joined the transferred post no further order need be passed on this writ petition.

Accordingly, the challenge made to recommendation memo dated 19th April, 2023 issued by the West Bengal Central School Service Commission fails.

The writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this

order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)