

11.08.2025

WPA 25231 of 2024

**Sarmika Mandal
Vs.
State of West Bengal & Ors.**

Mr. S. Ghosh
Ms. Priyanka Saha

... ... for the petitioner

Mr. Ratul Biswas
Mr. Koushik Chowdhury

... ... for the WBBPE

Mr. B.V. Vaisya
Mr. Mrinal Kanti Ghosh

... ... for the State

Learned counsel for the petitioner submits that the petitioner claims intra-district transfer from one school to another school on medical ground. The petitioner has submitted her representation dated 9th September, 2024 at page 22 to the writ petition, but the same has not been considered.

In view of the above, the respondent No.6 upon issuing a prior hearing notice of at least seven days to the petitioner and after granting him an opportunity of hearing shall dispose of the representation dated 9th September, 2024 strictly in accordance with law.

All the procedures laid down under the relevant rules shall have to be followed strictly for considering the representation.

The entire exercise shall be carried out and completed by the respondent No.6 and/or any other

relevant State authority positively within a period of eight weeks from the date of communication of this order and the reasoned order shall be communicated to the petitioner within a period of two weeks from the date of the reasoned order to be passed.

In the event the reasoned order goes in favour of the petitioner, then the appropriate State authority shall take all necessary and consequential steps to give an immediate effect thereto but positively within a period of four weeks from the date of the reasoned order to be communicated to such authority.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge all points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent No.6 but not beyond the scope of the said representation dated 9th September, 2024.

It is made clear that, this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to his claim before the respondent No.6 strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition being WPA 25231 of 2024 stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Rajarshi Bharadwaj, J.)