

16.05.2025
SI No.3
Court No.8
(gc)

CRC 3 of 2025
In
MAT 1457 of 2024

Himani Shit
Vs.
Siddhartha Majumdar,
The Secretary of W.B.C.S.S.C & Ors.

Mr. Biswarup Biswas,
Mr. Gora Chand Samanta
...for the Applicant.
Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey
...for the Alleged Contemnor No.1/
WBCSSC.
Sk. Sahjahan Ali,
...for the Alleged Contemnor No.3.

1. This contempt application is filed alleging, inter alia, that the West Bengal Central School Service Commission has violated the order passed by a Coordinate Bench in disposing of the appeal. For the sake of convenience and brevity, we set out the operative portion of the order passed by the Hon'ble Coordinate Bench:-

"We, therefore, permit the writ petitioner/appellant to make a fresh application seeking transfer to the competent authority within a week from date on the selfsame ground or any other grounds, if available. On receipt of the said application, the authority shall complete the exercise as required under the statutory provision and obviously shall take note of the notification dated

3rd January, 2022 within four weeks from the date of receipt of the said application.

For abandon precaution, it is hereby made clear that the findings made herein above shall not be construed to have any impact on the decision to be taken by the authorities on merit, as the authority shall be free to decide the same in accordance with law.

With these observations, the appeal and the connected application being CAN 1 of 2024 are disposed of.”

2. It is clear from the aforesaid observation that the statutory authorities are required to take into consideration the notification dated 3rd January, 2022 and decide the matter without being influenced by the observations made in the said order.
3. Consequent thereupon, the West Bengal Central School Service Commission has passed the following order on 4th March, 2025:-

“With reference to the above, I am directed to inform you that, you have applied for transfer with 3 (three) preferred school namely, 1. Bonhugly High School, 2. Khardah Priyanath Balika Vidyalaya and 3. Belgharia Deshapriya Vidyaniketan (as per para 20 of your writ application). It appears from e-mail reply dt 01.03.2025 from your 1st preferred school that the said

school has very low PTR(Pupil-Teacher Ratio). It also appears from the Utsashree portal, there exists multiple applications pending (including under 'Medical ground') in both the other two preferred schools. Since, you have applied under 'Any other' ground, which is lower in priority, your potential rank is lower than such "medical ground" applicants.

In view of the above, the Commission is unable to issue recommendation letter in your favour for your transfer."

4. It does not appear from the said order that the respondent authorities have acted in violation of the order passed by the Coordinate Bench. However, this order may give rise to a fresh cause of action if the applicant is aggrieved by the said order.
5. We make it clear that we have not gone into the merits of the impugned order dated 4th March, 2025 passed by the Secretary, West Bengal Central School Service Commission.
6. The contempt application, accordingly, stands disposed of.
7. Rule stands discharged.
8. However, there shall be no order as to costs.

9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)