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WPA No. 26029 of 2022

Saswati Parua Mondal
Vs.
State of West Bengal & Ors.

Mr. Debottam Das
.....for the petitioner

Mr. Kamal Mishra
Mr. Pratap Sanfui
..... for the College Authority

Mr. Subhrangsu Panda
Ms. Mithu Singha Mahapatra
Ms. Ina Bhattacharyya
..... for the WBCSC

The present writ petition has been filed alleging inaction on the part of respondent no. 3 in considering the petitioner's representations, wherein she has requested a transfer from Bajkul Milani Mahavidyalaya, District – Purba Medinipur (hereinafter referred to as the college) to any other college nearer to her residence.

Mr. Das, learned Advocate for the petitioner, submits that the petitioner, a permanent resident of Medinipur Town, has been serving as an Assistant Professor in a college located at a distance of about 120 kilometers from her residence, thereby compelling her to undertake a daily commute of nearly 240 K.M. As a result, she has been facing severe hardship in attending to her duties at the said institution. In these circumstances, she submitted an application, through the College Authority, before respondent no. 3, seeking her transfer

to a college situated closer to her residence, in terms of the provisions of the West Bengal College (Transfer of Employees) Rules, 2017.

He further submits that the College Authority has issued a “No Objection Certificate,” and that the students of the said college will not suffer any prejudice if the petitioner is transferred to another institution. However, despite receipt of the petitioner’s application, no effective step has been taken in the matter, and such inaction on the part of the concerned respondent has constrained the petitioner to approach this Court by filing the present writ petition. He accordingly prays for a direction upon the concerned respondent to consider the petitioner’s request for transfer, and further submits that, as per information obtained by him, a suitable vacancy is presently available at Medinipur College, where the petitioner may also be accommodated.

Mr. Mishra, learned Advocate for the College Authority, submits that the College Authority has, on two occasions, issued a “No Objection Certificate.” He further submits that, on both occasions, the College Authority informed the competent authority that it has no objection to the petitioner being transferred to a college nearer to her residence, in view of the inconvenience she is facing in attending her present institution, which is situated about 120 kilometers away from her residence.

Mr. Panda, learned Advocate for the West Bengal College Service Commission, submits, on the basis of specific instructions, that a vacancy is available at Medinipur College. He, however, submits that the Commission is not the competent

authority to decide whether the petitioner should be transferred to the said college.

Heard the learned Advocates representing the respective parties and perused the materials on record.

The records reveal that, on two occasions, the petitioner submitted applications in the prescribed proforma under the relevant provisions of the West Bengal College (Transfer of Employees) Rules, 2017, along with the requisite documents, including a “No Objection Certificate” issued in her favour by the College Authority. However, despite receipt of such applications, no effective steps have been taken in the matter. Respondent no. 3, being a public authority, cannot keep the matter pending indefinitely.

In view thereof, the present writ petition is disposed of with a direction upon respondent no. 3 to consider the petitioner’s applications for transfer and to take an appropriate decision thereon. Before taking any such decision, an opportunity of hearing shall be afforded to the petitioner and all concerned.

If respondent no. 3 finds that the petitioner’s claim and/or prayer deserves acceptance, then necessary follow-up action shall be taken, which may include the transfer of the petitioner to a college near her residence where a suitable vacancy is available.

If respondent no. 3 finds that the petitioner’s claim lacks merit, a reasoned order shall be passed, and the same shall be communicated to the petitioner, the College Authority, and the Commission.

Till such decision is taken by respondent no. 3, the vacancy that has arisen in Medinipur College shall not be filled up.

Entire exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)