

24.02.2025
Item 27
Ct. 17
tbsr

WPA 28332 of 2024

Mosammath Rajina

Vs.

The State of West Bengal & Ors.

Mrs. Usha Maiti

Mr. Sakya Maity

....for the petitioner

Mr. Sirsanya Bandopadhyay

Mrs. Tapati Samanta

Mr. Arindam ghosh

....for the State

Mr. Pullak Ranjan Mondal

Mrs. Bandana Mondal

Mr. Subhrangsu Panda

Mrs. Ina Bhattacharyya

Mrs. Mithu Singha Mahapatra

....for the WBCSC

This is an application praying for direction upon the DPI and the Principal Secretary of the Government of West Bengal, Higher Education Department to consider the documents of the petitioner and allow the petitioner's prayer for transfer so that she can join the post of Assistant Professor of Sociology at Chhatna Chandidas Mahabidyalaya, Bankura.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had made an application for transfer on several grounds including the issue of distance of about five hundred kilometers between her residence and her place of

work as also the need to take care of her minor school going daughter and to look after her old and ailing parents at Bankura. Her application was turned down earlier. The respondent authorities pointed out that at the time of such prayer for transfer, she had not completed five years of service and there was an adverse people-teacher ratio in the College where she was working. A Co-ordinate Bench of this Court turned down the petitioner's prayer challenging such action. This was affirmed by a Division Bench. However, subsequently, a Division Bench while sitting in Review, by an order dated 22nd November, 2024 passed in RVW 76 of 2024, held that they were not inclined to interfere with the review application and the applicant's prayer for review was refused. However, it was made clear that as a fresh cause of action had arisen, the applicant would be at liberty to seek redressal before the appropriate forum, if so advised. Accordingly, after finding out that the post of Assistant Professor was lying vacant at the College to which the petitioner was seeking transfer, the petitioner made another application before the concerned authorities. By this time, the petitioner has already completed five years of service. In spite of this, the said prayer is still pending.

Learned counsel appearing on behalf of the WBCSC denies the allegations and submits that it is not known to the Commission whether the recommended candidate had joined the post in the other College or not.

Learned counsel appearing on behalf of the State/DPI denies the allegations and submits that if an application for transfer is pending before the DPI, the same shall be considered in accordance with law.

In view of the above and in the interest of justice, let the DPI/respondent no.2 consider the petitioner's application for transfer dated 24th November, 2024 in accordance with law upon hearing all the interested parties as expeditiously as possible, preferably within eight weeks from the date of communication of this order. Within a week thereafter, the outcome of the consideration shall be communicated to the petitioner as well as the WBCSC.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance.

(Jay Sengupta, J.)