

20.02.2025
Court No. 18
Item No. 64
(Suvendu)

WPA 28263 of 2024

Lakshmikanta Samanta & Anr.
-Versus-

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal
.....for the petitioners

Mr. Kanak Kiran Bandyopadhyay
.....for the WBCSSC

Mr. Joydip Banerjee
Mr. Ranjan Saha
.....for the State

Affidavit of service filed on behalf of the
petitioners is taken on record.

Matter is heard in presence of learned
advocates representing the petitioners, West
Bengal Central School Service Commission and
State respondents.

Two teachers are before this Court and for
depositing requisite fees two separate demand
drafts were submitted by the petitioners for
consideration of their mutual transfer
application.

Challenge has been thrown to memo dated
20th September, 2024 issued by the Secretary-
in-Charge, West Bengal Central School Service
Commission whereby two demand drafts

submitted by the petitioners for payment of fees were returned to the petitioners and there was refusal to entertain mutual transfer application due to suspension of Utshashree portal.

Petitioner prays for consideration of their mutual transfer application since suspension of portal cannot take away right of the applicant teachers seeking mutual transfer which is protected by statutory provisions.

Learned advocate representing the West Bengal Central School Service Commission submits that there is extension of suspension of Utshasree portal which prevents the teacher from making application seeking transfer on general ground and on medical ground. According to learned advocate representing West Bengal Central School Service Commission, further instruction is required to be obtained as to whether suspension of portal is continuing relating to making application for mutual transfer or not.

However, prayer of the petitioners is opposed on behalf of the Commission on a different ground which is not delineated in the memo dated 20th September, 2024.

According to the Commission, there is complete bar to entertain mutual transfer

application in terms of Rule 6 of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012. In the present case, petitioner no. 2 has already availed mutual transfer and previously concerned authority of the Commission issued mutual transfer order thereby petitioner no. 2 was transferred to Baishnabchak M.C. High School, Purba Medinipur.

On perusal of Rule 6 of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012, it appears that mutual transfer is allowed only once during the incumbent's entire service period. In the present case, petitioner no. 2 has already availed benefit of mutual transfer vide order on 27th June, 2012 issued by the concerned authority of the Commission. Therefore, on applying rule 6 of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012 application seeking mutual transfer so far as petitioner no. 2 is concerned, is impermissible.

In addition thereto, no prayer is made to question the *vires* of Rule 6 of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012.

Hence, writ petition stands dismissed.

Since petitioner no. 1 has not availed benefit of mutual transfer previously it will be open to petitioner. 1 to make application for mutual transfer in future, if situation so arises.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)