

54 05.03.2025
rkd Ct.18

W.P.A. 28766 of 2024

Rupa Khatun

-vs-

State of West Bengal & Ors.

Syed Shamsul Arefin,
Ms. Nadira Abedin

....for the petitioner.

Mr. Shamim ul Bari,
Ms. Indrani Nandi

....for the State.

Mr. Prosenjit Mukherjee,
Ms. Madhurima Sarkar

....for the Madrasah Service Commission.

Mr. Aswini Kumar Bera,
Mr. Arijit Bera

....for the respondent no.4.

The matter is heard in presence of the learned advocates representing the parties.

Petitioner has prayed for implementation of the transfer order dated 23rd August, 2024 issued by the Secretary, West Bengal Madrasah Service Commission whereby petitioner was transferred from Sankrail Azizia Girls' Jr. High Madrasah (Unit-II) to Dabra High Madrasah, Hooghly.

It is submitted that at the time of making application seeking transfer the Madrasah where petitioner is presently working issued No Objection on 24th July, 2024 but unfortunately after issuance of transfer order on 23rd August, 2024 authority of

Sankrail Azizia Girls' Jr. High Madrasah (Unit-II) has refused to issue release order in favour of the petitioner as a result whereof transfer order dated 23rd August, 2024 could not be given effect to.

The learned advocate representing the Madrasah Authority where petitioner is presently working submits that petitioner is an Assistant Teacher in Bengali out of four Assistant Teachers in the aforesaid Madrasah. Therefore, transfer of the petitioner will put the Madrasah Authority in trouble due to dearth of staff.

On hearing the learned advocates representing the parties, it appears that the Madrasah Authority where petitioner is presently working issued No Objection on 24th July, 2024. Subsequently, the said authority cannot take a somersault while issuing release order after transfer order is issued in favour of the petitioner on 23rd August, 2024.

Hence, the Headmistress of Sankrail Azizia Girls' Jr. High Madrasah (Unit-II) being respondent no.4 is directed to issue release order in favour of the petitioner by seven days from date.

On issuance of release order upon taking consequential steps, petitioner shall be permitted to join the transferred post in Dabra High

Madrasah by fortnight thereafter.

Since on transfer of the petitioner there will be dearth of Assistant Teacher in Bengali in the said Madrasah, leave is granted to the Madrasah to take steps immediately after transfer of the petitioner for filling up the resultant vacancy.

If vacancy is notified to the West Bengal Madrasah Service Commission through the concerned District Inspector of Schools (SE), Howrah immediate steps shall be taken by the West Bengal Madrasah Service Commission for filling up the said post.

The writ petition 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 usual undertakings.

(Saugata Bhattacharyya, J.)