

28.07.2025

WPA 29964 of 2024

**Swapan Kumar Sarkar
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chaudhury
Ms. Debalina Chakraborty
Ms. P. Biswas

... ... for the petitioner

Mr. Jagabandhu Roy
Mr. Istemak Ahmed

... ... for the State

Mr. Sarwar Jahan
Mr. Sk. N. Hoque

... ... for the DPSC, Murshidabad

Affidavit of service filed in Court be kept with the
record.

The petitioner claims an intra-district transfer
from one school to another school on medical ground.
The petitioner has submitted his representation dated
15th October, 2024 at page 26 to the writ petition, but
the same has not been considered.

In view of the above, the respondent No.4, the
Chairman, Murshidabad District Primary School
Council, upon issuing a prior hearing notice of at least
seven days to the petitioner and after granting him an
opportunity of hearing shall dispose of the
representation dated 15th October, 2024 strictly in
accordance with law.

All the procedures laid down under the relevant rules shall have to be followed strictly for considering the representation.

The entire exercise shall be carried out and completed by the respondent No.4, the Chairman, Murshidabad District Primary School Council and/or any other relevant State authority positively within a period of eight weeks from the date of communication of this order and the reasoned order shall be communicated to the petitioner within a period of two weeks from the date of the reasoned order to be passed.

In the event the reasoned order goes in favour of the petitioner, then the appropriate State authority shall take all necessary and consequential steps to give an immediate effect thereto but positively within a period of four weeks from the date of the reasoned order to be communicated to such authority.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge all points he wishes to raise, by relying upon such records and documents as he may choose to place before the respondent No.4 but not beyond the scope of the said representation dated 15th October, 2024.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition being WPA 29964 of 2024 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 compliance of all requisite formalities.

(Rajarshi Bharadwaj, J.)