

24.01.2025
(D/L-2)
Ct. No.4
(Naba)

W.P.S.T. 233 of 2024

**Chandona Roy
Vs.
The State of West Bengal & Ors.**

Mr. Suvro P. Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal

...for the Petitioner

Mr. Tapan Kr. Mukherjee, Id. AGP,
Mr. Somnath Naskar

...for the State

1. Heard the learned counsel for the petitioner and the learned counsel for the State.
2. The petitioner had earlier approached the West Bengal Administrative Tribunal seeking transfer from Cooch Behar to a school nearer to her house, i.e. Kolkata or neighbouring district of North 24-Parganas. O.A. No. 766 of 2023 was disposed of directing the respondents to consider the petitioner's pending representation. The same was rejected by a reasoned order dated 05.02.2024 passed by the Commissioner of School Education, West Bengal.
3. The learned counsel for the petitioner submits that the rejection is by taking into consideration incorrect facts; and that the petitioner has been denied consideration of her claim for

transfer/posting to Kolkata or neighbouring district of North 24-Parganas, though vacancies were available.

4. When the matter was last taken up, we had made a query from the learned counsel for the petitioner whether there was any rule requiring consideration of the petitioner's application for transfer to her home place.
5. Today when the matter is taken up, the learned counsel for the petitioner fairly submits that there is no such rule requiring or mandating the authority to consider the petitioner's application for home posting. The application was made pursuant to certain observations passed by the West Bengal Administrative Tribunal (hereinafter referred to as the State Administrative Tribunal) in the earlier round of litigation.
6. We are of the opinion that the order rejecting the petitioner's request for transfer to her home District or place is taken in exercise of administrative discretion vested in the authority in the matter of posting and transfer.
7. It is trite by now that transfer is an incidence of service and the authorities are vested with the administrative discretion having regard to administrative exigencies. No rule or provision has been shown under which the petitioner can claim

an enforceable right to be transferred back to her home place or claim an adjudication in this regard by the administrative authority competent to transfer.

8. We, therefore, find no reason to interfere with the decision of the State Administrative Tribunal.
9. The Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)