

W.P.A. 28921 of 2023

**Shubhanita Mitra
Vs.
The State of West Bengal & Ors.**

Mr. Anjan Bhattacharya
Ms. Anita Shaw

...for the petitioner

Mr. Sunit Kumar Roy

...for the SSC

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

It is submitted by the learned advocate representing the petitioner that previous transfer application was considered by the Secretary, West Bengal Central School Service Commission in terms of the order dated 22nd June, 2022 passed by a coordinate Bench on a writ petition being WPA 10596 of 2022 but petitioner did not come within the zone of consideration as a result whereof she was not transferred.

Now, it is contended on behalf of the petitioner that transfer application which was disposed of vide order dated 24th March, 2023 passed by the Secretary, West Bengal Central School Service Commission should be revived and same may be required to be considered *de novo*.

Such submission made on behalf of the petitioner is opposed by the learned advocate representing West

Bengal Central School Service Commission since it is submitted once transfer application is decided there is no scope to revive said disposed of transfer application.

Having considered the respective submissions made on behalf of the parties this Court finds substance in the submission made on behalf of the Commission since in terms of the order dated 22nd June, 2022 passed by the coordinate Bench transfer application of the petitioner was considered by the Secretary, West Bengal Central School Service Commission and same was rejected since petitioner did not come within the zone of consideration. After disposal of the transfer application vide order dated 24th March, 2023 passed by the Secretary, West Bengal Central School Service Commission petitioner can make fresh application seeking transfer in accordance with law but disposed of transfer application cannot be revived.

In view of aforesaid situation no relief can be granted to the petitioner and writ petition stands dismissed.

However, this order shall not preclude the petitioner to make application for transfer in accordance with law.

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

(Saugata Bhattacharyya, J.)