

**IN THE HIGH COURT AT CLACUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

3 16.1.25.

**CPAN 39 of 2024
With
WPA 387 of 2022**

**Tapas Kumar Mondal
Vs.
Siddharth Majumder.**

**Mr. Ujjal Ray
Mr. Abdur Rahim ... For the Petitioner.**

**Dr. Sutanu Kumar Patra
Mr. Sunit Kumar Ray For the Alleged Contemnor.**

The petitioner has filed the present application on the allegation that the alleged contemnor has not complied with the order passed by this court dated 7th September, 2022.

Counsel appearing for the petitioner submitted that this court by an order dated 7th September, 2022 directed the District Inspector of School (SE), Siliguri to consider the matter afresh and to transfer the petitioner if she is otherwise eligible within a period of two weeks from date. It is the specific case of the petitioner that in terms of the order passed by this court dated 7th September, 2022, the District Inspector of School (SE), Siliguri has forwarded the request of the petitioner to the Central School Service Commission. But the Central

School Service Commission has not taken any decision. Thus, the petitioner has filed the present application making the Central School Service Commission as contemnor in the present case.

Per contra, learned counsel appearing for the alleged contemnor, namely, Central School Service Commission has drawn attention of this court dated 22nd October, 2022 which is annexed by the petitioner in the present application being annexure – (C) at page 27 wherein it has been informed that the transfer application is uploaded on the 'Utashree Portal' by the applicant as reached by the WBCSSC in the Portal for disposal and the status of the transfer petition has been examined by the WBCSSC on 20th October, 2022 confirmed that the rank of the petitioner presently at third position in preferred school and second position in the second preferred school, at this pint no recommendation could be generated against the petition filed by the petitioner for transfer.

Learned counsel for the petitioner submits that the WBCSSC has not considered the request of the petitioner in which the petition has preferred for transfer and as such the WBCSSC has not considered the request of the petitioner and violated the order passed by this court.

Considering the above, this court finds

that this court simply directed the District Inspector of School (SE) to consider the matter afresh and to transfer the petitioner, if she is eligible within a period of two weeks.

The District Inspector of School (SE) has forwarded the request of the petitioner to the WBCSSC and WBCSSC has already taken a decision by not recommending the case of the petitioner for transfer due to non-availability of the position in the preferred school.

Thus, this court did not find any violation of the order passed by this court by the alleged contemnor.

Accordingly, the contempt application (CPAN 39 of 2024) is dismissed but however, this dismissal will not stand on the way to challenge the impugned order by the petitioner in an appropriate forum.

(Krishna Rao, J.)