

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 379 of 2023

Amal Daskarmakar
-versus
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
Ms. Anita Shaw
Ms. Seema Thakur
... For the petitioner

Mr. Bhaskar Prasad Vaisya, AGP (vc)
Mr. Suman Dey
... For the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
... For the WBCSSC

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
... For the WBBSE

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
Ms. Sudipta Pramanik
... For the respondent no.18

1. Report in the form of affidavit filed by the West Bengal Central School Service Commission and the reply thereto by the petitioner in Court today be retained with the records.

2. The petitioner's application seeking general transfer was not considered on the ground of non-availability of vacancy.

3. The petitioner is aggrieved as the private respondent's application seeking transfer on medical ground, made approximately one month after the petitioner applied for transfer, stood allowed.

4. Learned advocate representing the Commission relies upon the report affirmed by the Assistant Secretary of the Commission mentioning that the Utshashree Portal functions on an auto-generated score and the applicants are ranked according to the 'ground-cum-score' system. On and from the time an application for transfer is submitted in the online mode there is no human interference in the system. The applicant seeking transfer on self-medical ground gets the highest score, followed by spouse and child's medical ground.

5. It has been submitted that as the private respondent applied for transfer on spouse medical ground, the vacancy in which the petitioner applied, also got blocked. The Commission does not have a role to play in the matter.

6. Learned advocate representing the petitioner stresses on the fact that the application for transfer made by the private respondent was a later one and the application made by the petitioner earlier to that ought to have been given preference.

7. It is the specific stand of the Commission that the system does not work on 'first-cum-first-serve' basis. As the petitioner applied for general transfer, accordingly, the petitioner got a less score for which the applicant applying on medical ground superseded the petitioner.

8. Upon hearing the parties, the Court does not find that there is any mala fide or illegality in the online system dealing with application for transfer.

9. In view of the above, no relief can be granted to the petitioner in the instant case.

10. The writ petition fails and is hereby dismissed.

11. Be it recorded that the approval of appointment of the private respondent in the transferred place of posting was granted way back on 13th April, 2022.

12. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)