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(DO)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/3269/2023

ARUP KUMAR GHARAMI
Vs.
THE STATE OF WEST BENGAL & ORS.

Mr. Sudip Ghosh Chowdhury, Advocate
Ms. Shreyeta Mitra, Advocate
Ms. Pritha Biswas, Advocate
Ms. Upasana Sarkar, Advocate

.....for the Petitioner

Mr. Biswajit De, Advocate
Ms. Rajlakshmi Ghatak, Advocate

.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. In spite of service, there is no appearance on behalf of the School Authorities.
3. Leave is granted to the learned Advocate-on-record of the petitioner to implead the Commissioner of School Education, West Bengal as party respondent in the instant writ petition. Service of a copy of the writ petition upon the Commissioner of School Education stands dispensed with as the State is represented by the learned Advocate.
4. The petitioner was transferred on special ground to the post of Clerk by the West Bengal Board of Secondary Education 05.01.2022. The petitioner joined the transferee School despite there being no sanctioned vacancy.
5. The petitioner has applied for re-recommendation before the Commissioner of School Education by filing representation in June 2022. The same is pending consideration till date.
6. In view of the above, the instant writ petition stands **disposed of** by directing the Commissioner of School Education to take into consideration the petitioner's prayer seeking re-recommendation in any School with

matching vacancy in accordance with law at the earliest but positively by **15.06.2026**.

7. The Commission shall keep in mind that the petitioner's application for transfer was allowed in one of the preferred schools by the petitioner.
8. The choice of the petitioner shall be taken into consideration at the time of passing the order of re-recommendation.
9. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.
10. Urgent Photostat Certified Copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.)