

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25795 of 2022

Susanta Pal

v.

The State of West Bengal & Ors.

Mr. Ujjal Ray

Mr. Binit Kumar

... For the petitioner

Mr. Samim ul Bari

... For the State

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... For the WBCSSC

1. Affidavit of service by the petitioner and the report in the form of affidavit by the West Bengal Central School Service Commission filed in Court today be retained with the records.

2. The petitioner's application seeking transfer on the ground of distance in respect of three preferred schools as per the choice of the petitioner could not be proceeded further as the petitioner is ranked third in his first preferred school, ranked fourth in the second referred school and there is no vacancy in the third preferred school.

3. From the documents annexed to the report filed by the Commission, it appears that there are two candidates who sought transfer on medical reasons

who are ranked above the petitioner in both the schools preferred by him.

4. The applications for transfer made by the candidates could not proceed further due to suspension of the Utsashree Portal.

5. Transfer being an incident of service, the same cannot be left undecided due to suspension of the online portal.

6. In view of the above, the instant writ petition stands disposed of by directing the Secretary of the West Bengal Central School Service Commission to verify as to whether the subject vacancies in the preferred schools by the petitioner are still available.

7. In the event matching vacancies are available, then the Secretary of the Commission shall grant an opportunity of hearing to the petitioner and the candidates higher in rank to the petitioner and dispose of the prayer of the petitioner seeking transfer.

8. If no matching vacancy is available, then it will be open for the petitioner to apply afresh offline in the prescribed format seeking transfer disclosing ground for the same.

9. Such exercise shall be concluded within a period of twelve weeks from the date of communication of this order.

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

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

(Amrita Sinha, J.)