

14.01.2026
Sl. No.52
Ct. No.14
gd

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/25911/2022
JENIFAR ASHIK
VS
STATE OF WEST BENGAL AND ORS.

Mr. Rajnil Mukherjee
Mr. Masta Fizur Reheman
Ms. Satabdi Dey
Mr. Subham Das

...for the Petitioner.

Ms. Munmun Tewary
Ms. Sanchayita De

...for the State.

Mr. Pratik Dhar, Id. Sr. Adv.
Ms. Madhurima Sarkar

...for Madrasah Service Commission.

1. On the prayer of Ms. Munmun Tewary, learned advocate for the State, Ms. Sanchayita De, learned advocate is requested to appear as Junior counsel to Ms. Tewary.
2. Let her appointment be regularised by the authority concerned.
3. By the present writ petition, the petitioner seeks direction upon the respondent authorities to avail the benefit of Online Transfer/General Transfer as per Rule 33 issued by Directorate of School Education, West Bengal.
4. The petitioner contends that she was appointed as Group 'C' staff on 7th September, 2013 and she joined

in Nawabpur Junior High Madrasah for Girls Higher Secondary Education. The petitioner made an application for her transfer (Annexure P-2). On such application being made, order for transfer was passed by West Bengal Madrasah Service Commission on 12th July, 2022 transferring the petitioner to Somospur D.M.S. High Madrasah. Since the petitioner was not released from her present place of posting, the order issued by the West Bengal Madrasah Service Commission could not be implemented. Hence this writ petition.

5. Mr. Rajnil Mukherjee, learned advocate appearing for the petitioner submits that specific direction be issued upon respondent no.5 for releasing of the petitioner so that the order of transfer issued by Madrasah Service Commission could be implemented.
6. Mr. Pratik Dhar, learned senior advocate appearing for respondent nos.3 and 6, West Bengal Madrasah Service Commission submits that due to non-release of the petitioner by the Madrasah the order dated 12th July, 2022 for transfer of the petitioner could not be implemented. He also informs the court that the Post in the Madrasah to which the petitioner has been transferred is still vacant.
7. In view of the submissions advanced as aforesaid by the learned advocates representing the respective parties, respondent no.5, Secretary of Nawabpur Junior High Madrasah Unit II for Girls is directed to

issue release order in favour of the petitioner within a period of two weeks from the date of communication of this order. Upon such release, the transfer order dated 12th July, 2022 shall take its effect.

8. Learned advocate for the petitioner is directed to communicate this order to respondent no.5, Secretary of Nawabpur Junior High Madrasah Unit II for Girls for necessary action.
9. With the above direction, the writ petition being **WPA 25911 of 2022** stands disposed of.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. Interim order, if any, stands vacated.
12. All connected applications, if any, stand disposed of.
13. There shall be no order as to costs.
14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
15. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)