

WPA 26009 of 2023

Debasree Kundu
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Pritha Biswas
Ms. Upasana Sarkar
.... for the petitioner

Mr. Sunit Kumar Roy
.... for the CSSC

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

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. In spite of service, none appears on behalf of the school authorities.
3. The petitioner's grievance is that her application for transfer on the special ground, as a divorcee, was rejected as she had not completed the requisite five years of service.
4. However, this issue has been conclusively decided by a Division Bench of this Hon'ble Court in Suvadip Garai vs. State of West Bengal & Ors.) in MAT 782 of 2023 on the ground that Rule 4 is a standalone provision unconnected with the mandatory requirement of five years' of

satisfactory service contemplated under Rule 3(ii) of the West Bengal School Service Commission (General Transfer, Transfer on Special Ground and Reallocation) Rules, 2015.

5. However, since a long period of time has elapsed it would be trite to the petitioner to make a fresh application which could be considered by the school authorities and if found eligible, will be forwarded to the concerned D.I. for onward progression.
6. With the aforestated directions, the writ petition is, thus, disposed of.
7. There shall, however, be no order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)