

N.22Sl

WPA 6099 of 2021

151/CL

13.06.25

Sl-17

Ct.551

(S.R.)

Korban Ali Khan

v.

The State of West Bengal & Ors.

Mr. Ekramul Bari

Mr. Kazi Saggad Alam ... for the petitioner.

Mr. Arindam Chattopadhyay

Ms. Lipika Chatterjee ... for the State.

Mr. Panchanan Hajra

Ms. Sudeshna Ghosh ... for the respondent no.5.

Ms. Koyeli Bhattacharyya

Ms. Keya Panja ... for the WBBSE.

Mr. Atis Kumar Biswas

Mr. Suman Chakraborty

Mr. Jyoti Agarwal

... for the private respondent no.13.

Mr. Bari, learned advocate appearing for the petitioner submits that the petitioner's application for transfer has been kept in the limbo while allowing the application for transfer filed by the respondent no.13 in the most illegal manner.

Placing reliance on the copy of the documents produced by Mr. Chattopadhyay before this Court on June 12, 2025, Mr. Bari submits that the application filed by the private respondent shows that the application is one for General Transfer and that, column no.8 wherein the distance between the present school and permanent address as noted in service book is to be provided has

been left blank.

Inviting the attention of this Court to the order dated February 15, 2021 passed by the Commissioner of School Education, West Bengal, Mr. Bari further submits that the Commissioner of School Education has recommended the private respondent's application for transfer by treating the same as an application for "General Transfer on Special Grounds". It is submitted that when the application made by the private respondent no.13 itself did not show any special ground the Commissioner of School Education could not have created a non-existent case for recommending the private respondent's transfer.

Mr. Bari further submits that the place of residence of the private respondent and the school where he was serving (from where he was transferred) was less than 25 kilometers and that, being so he was not entitled to "General Transfer" also.

Mr. Bari takes this Court through the application made by the petitioner to submit that the petitioner has clearly mentioned in his application that the distance between the present school and permanent address of the petitioner is 60 kilometers and as such, the petitioner duly qualified for being transferred in terms of the applicable rules.

Faced with these submissions of Mr. Bari, Mr. Biswas, learned advocate appearing for the private

respondent seeks one last opportunity to use an affidavit-in-opposition to the writ petition and the supplementary affidavit. This Court notes that direction to file affidavit-in-opposition had been passed as far back as on March 23, 2021 in presence of Mr. Biswas but nothing has been done as yet.

In such view of the matter, for ends of justice this Court grants time to the private respondent to file his affidavit-in-opposition by June 18, 2025 as a last chance. The petitioner shall be at liberty to use to file an affidavit-in-reply, thereto, if any, by June 20, 2025.

Mr. Chattopadhyaya, learned advocate appearing for the State also prays for time to file affidavit-in-opposition. The order passed in respect of the private respondent shall apply to the State as well. The State respondents shall be at liberty to file their affidavit-in-opposition as a last chance by June 18, 2025. The petitioner shall have liberty to file his affidavit-in-reply, if any, within June 20, 2025.

The matter shall be listed for hearing on June 23, 2025.

(Om Narayan Rai, J.)