

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Subesh Kumar Das

Case No – OA 29 OF 2018

Dr. Surajit Majumder Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>2</p> <hr/> <p>27.06.2018</p>	<p>For the Applicant : Mr. Apratim Bhattacharya Learned Advocate</p> <p>For the State Respondent: Mr. Bijoy Krishna Roy Learned Advocate</p> <p>The applicant was appointed in the post of Master (English), at Victoria Boys' School, Kurseong temporarily for a period of two years with effect from March 16, 1995 as reflected from the notification dated December 12, 1995 issued by the Joint Secretary to the Government of West Bengal, Department of School Education. The applicant has been transferred from his present assignment of Headmaster-in-Charge, Victoria Boys' School, Kurseong to the post of Teacher-in-Charge, Ranibandh Government Model High School, Bankura by order dated November 24, 2016 issued by the Joint Secretary to the Government of West Bengal, Department of School Education. The contention of the applicant is that he cannot be transferred from the post of Headmaster-in-Charge of Victoria Boys' School as he does not belong to transferrable service. The applicant has prayed for quashing of the transfer order dated November 24, 2016 (Annexure "A" to the original application).</p>	

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	<p>On perusal of the notification dated December 12, 1995 issued by the Joint Secretary to the Government of West Bengal, Department of School Education we find that the applicant was appointed on probation as a member of West Bengal General Service (Education) and he was posted temporarily as Master (English) at Victoria Boys' School, Kurseong. Learned Counsel for the applicant has made two fold submissions: first, the applicant has been transferred to a lower post and secondly, the applicant belongs to West Bengal Senior Education Service. On consideration of the letter of appointment, we find that the applicant belongs to West Bengal General Service (Education) and as such, we do not accept submission made on behalf of the applicant. With regard to the submission of Learned Counsel that the applicant has been transferred to the lower post, he has failed to place on record that the pay-scale drawn by the applicant as Headmaster-in-Charge of Victoria Boys' School is higher than the pay-scale of Teacher-in-Charge of Ranibandh Government Model High School, Bankura and as such, we do not find any merit in the submission made on behalf of the applicant. What we find from the materials on record is that the applicant belongs to West Bengal General Service (Education) and his service condition will be governed by the provisions of West Bengal Service Rules Part 1. It is well settled that the transfer is a</p>	

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SCN.	<p>condition of service to which the applicant belongs, though the order of transfer cannot be made in a malafide way or by way of punishment or in violation of provisions of any statute. In the instant case, there is nothing on record to indicate that the order of transfer of the applicant is either punitive in nature or malafide or in violation of any provision of the statute. Accordingly, we do not find any illegality in the order of transfer which is justified under the law. The original application is, thus, dismissed.</p> <p>An urgent xerox certified copy of the order, if applied for, be supplied to the applicant on priority basis on fulfilment of necessary legal formalities.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(R.K. Bag) MEMBER (J)</p>	