

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

**Case No. – MA 146 of 2022 [OA 563 of 2022]**

*Apurba Sarkar & Ors.* -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and  
Date of order

For the Applicants : Mr. M.N. Roy,  
Mr. G. Halder,  
Ld. Advocates.

01  
13.12.2022

For the State respondent : None.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel, the case is taken up for consideration sitting singly.

Affidavit of service filed today be kept on record.

In this Miscellaneous Application, the prayer is for setting aside the Notification No. 1687-/ES/ADMN/6T-02/2018 dated 28.11.2022 by which the department has issued a transfer order of Assistant Inspector of Schools. Submission of Mr. Roy, learned counsel for the applicants is that this new transfer list is almost the same which was issued earlier by the Commissioner of Schools and in which the Tribunal was pleased to stay the operation of the applicants. The only difference is that this order is in the name of the Governor signed by the Secretary of the department. Mr. Roy to support his submission refers to para 10, 13 and 14 of 1994 AIR SCW 3832 (M/s. Sahni Silk Mills (P) Ltd. and Another v. Employees' State Insurance Corporation).

Mr. Roy also submits a copy of letter No. 582/PE/NAD dated 05.12.2022 by the District Inspector of Schools (P.E.), Nadia in which it appears that two of the applicants, serial Nos. 7 and 9 have been directed to take release and join within three days failing which they will be released in the afternoon of 12<sup>th</sup> December, 2022. Mr. Roy prays for a direction to the respondents not to release and joining the new place of posting in respect of the above two applicants, in particular and all the nine applicants in general.

Form No.

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**Vs.**

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Mr. S. Bhattacharjee, learned counsel appearing on behalf of Mrs. S. Agarwal, learned advocate-on-record for the State submits that the matter may be taken up on 19.12.2022 when Mrs. Agarwal will also be personally represent as the State respondents.

Accordingly, let the matter appear under the heading “**Admission Hearing**” on 19.12.2022.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM/SS