

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Justice Soumitra Pal, Chairman**

**Case No. - OA 221 of 2021**

**BHASWATI GHOSH - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicants	: Mr. M. N. Roy, Advocate
<u>2</u> 22.03.2021	For the Respondents	: Mr. G.P. Banerjee, Advocate

The matter is taken up by the single Bench pursuant to the notification no.949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

In this application, Bhaswati Ghosh, the applicant, presently posted as Senior Lecturer, DIET, Jalpaiguri, has challenged the order dated 23<sup>rd</sup> February, 2021 issued by the Director, State Council of Educational Research & Training, West Bengal, Kolkata, the respondent no.2, transferring her to Uttar Dinajpur on the ground that the said respondent does not have the jurisdiction to issue the order of transfer. In this regard Mr. M.N. Roy, learned advocate for the applicant has relied on a notification dated 29<sup>th</sup> December / 30<sup>th</sup> December, 2005, issued by the Principal Secretary.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents, relying on the memorandum dated 29<sup>th</sup> January, 2013, submits that on and from the said date as the Director, State Council of Educational Research & Training, West Bengal, Kolkata, the respondent no.2 has been vested with academic and administrative responsibilities, the order of transfer is just, proper and legal. Moreover, she has been transferred for the first time since 2004. Therefore, as the Director, since 29<sup>th</sup> January, 2013 has the jurisdiction to issue an order of transfer, no order may be passed with regard to the order of transfer as it is legal. Let a copy of the memorandum dated 29<sup>th</sup> January, 2013 filed be kept on

**ORDER SHEET**

Form No.

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record.

SCN.

Perusing the memorandum dated 29<sup>th</sup> January, 2013 since I find that the respondent no.2 has been vested with administrative responsibilities, the order dated 23<sup>rd</sup> February, 2021 is just, proper and legal.

Subsequently, Mr. Roy submits that since the daughter of the applicant is going to appear in the Higher Secondary Examinations 2021, liberty may be granted for filing a representation after she joins the post.

Mr. Banerjee, submits that if representation is filed and if directed, the authorities will consider the same in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file representation ventilating her grievances before the respondent no.2 along with a copy of this order downloaded from the internet / website, within four weeks after she joins the post as Senior Lecturer, DIET, Uttar Dinajpur, pursuant to the order dated 23<sup>rd</sup> February, 2021, and if such representation is filed within the time as stipulated, it shall be disposed by the said respondent no.2 by passing a reasoned order to be communicated to the parties within eight weeks after giving an opportunity of hearing and after verifying the records.

(SOUMITRA PAL)  
CHAIRMAN