

08.09.2021
Unlisted
Ct. No.17
S.A.

W.P.A. 14176 of 2021

Pamela Ganguly
-vs-
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya
... For the petitioner

Mrs. Chaitali Bhattacharya
Mr. Ranjan Saha
...For the State

Mr. Kanak Kiran Bandyopadhyay
... for the S.S.C.

The petitioner's case is that she joined the present school pursuant to the recommendation made by the West Bengal Regional School Service Commission in the year 2011. Thereafter, when she became a mother in the year 2015, she took steps for transfer to a nearby school as her child was of very tender age. Considering the difficulty in attending her present school where she was working in the District of Nadia, the School Education Department wrote a letter to the West Bengal Central School Service Commission for taking steps and showing her vacancies in nearby schools. The Central School Service Commission consequently wrote two consecutive letters, one to the District Inspector of Schools, Barrackpore and the District Inspector of

Schools, Kolkata and the other to the District Inspector of Schools, Barasat. The two letters as have been disclosed by the petitioner at Page 22 and Page 23 of this writ application are dated 27.11.2019 and 28.02.2020.

But the said District Inspectors of Schools did not take any step to send the vacancies to the Central School Service Commission. The petitioner was in tenterhooks. However, very recently from Utsashree Portal, the petitioner has come to know that there are a number of vacancies which comes under the District Inspector of Schools (S.E.), Barasat. She has prayed before this Court that she be transferred to any of the nearby schools which come under the D.I. of schools Barasat (i.e. District 24 Parganas – North) out of the above named portal which has been annexed to the writ application as Annexure P-9.

Learned advocate for the State Mrs. Bhattacharya is present who has submitted that as the names of the schools were uploaded on 31st August and as it is not known (as this application is being moved as urgent motion) for want of instruction if any schools have already been selected by some candidates for the subject History (History is the subject of the petitioner) the petitioner cannot be granted an opportunity by this Court to select one particular school today from the said Annexure P-9.

After considering the submission of the parties, I direct the Commissioner of School Education being the respondent No.2 to show all the vacancies which have not been selected by other candidates till date from the Utsashree Portal tomorrow by 2 P.M. when the petitioner will go to the office of the respondent No. 2. Such direction is being given to the petitioner. As the petitioner started her endeavour to get a transfer from 2018, she should get priority to select a school within the jurisdiction of the District Inspector of Schools, office at Barasat. Before her selection of school within the jurisdiction of the D.I. office at Barasat (S.E.) by 3 P.M. tomorrow no other teachers who intend to select a school from vacancies in respect of Barasat D.I.'s jurisdiction shall be allowed to exercise their option from today. This restraining order will remain operative from today (08.09.2021) 4.30 p.m. to 3.00 p.m. on 09.09.2021. After exercising option by the petitioner the Commissioner will take all consequential steps for transfer of the petitioner in the school selected. The present school shall co-operate with the petitioner.

The concerned District Inspector of Schools to whom letter was written by the School Service Commission were not prompt enough and that is why this situation has arisen. The Commissioner of School Education will accept the option exercised by

the petitioner by 3 P.M. tomorrow in respect of any school within the jurisdiction of District Inspector of Schools, office at Barasat (S.E.).

With the above direction, this writ application is disposed of.

Urgent certified website copy of this order, if applied for, be made available to the parties upon compliance of the formalities.

(Abhijit Gangopadhyay, J.)