

30.09.2021

ssi

Sl. No. 26

Ct. No. 05

WPA of 14858 of 2021
[Via Video Conference]

Ratan Debnath
-Vs.-
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Pintu Karar
Mr. Akashdeep Mukherjee
Mr. A. Sharma

...for the petitioner.

Mr. Supriyo Chattopadhyay
Mr. Sagnik Chatterjee

...for the State

Mr. Bhaskar Prasad Vaisya
Mr. Pinaki Bhattacharyya

...for the District Primary School Council.

This is a writ petition challenging the order of transfer dated 2nd September, 2021 issued by the Secretary, North 24 Parganas, District Primary School Council whereby the writ petitioner has been transferred from Masia Maslandpur Jr Basic Primary School/Junior Basic School to Dakshin Rupamari Adibasi F P Primary School/ Jr. Basic School Hingalganj. The said transfer order dated 2nd September, 2021 is questioned in the present writ petition.

Mr. Sabyasachi Chatterjee, learned advocate appears on behalf of the writ petitioner and submits that the writ petitioner is suffering from disability and, therefore, the transfer order is harsh so far as the writ petitioner is concerned. In this regard, one

representation dated 6th September, 2021 has been preferred by the writ petitioner addressed to the Secretary, North 24 Parganas, District Primary School Council. Mr. Chatterjee has prayed for consideration of such representation in view of the fact that the writ petitioner is suffering from 50 % disability, on humanitarian ground.

Mr. Bhaskar Vaisya, learned advocate appears on behalf of the District Primary School Council, North 24 Parganas and opposes the prayer made on behalf of the writ petitioner and defended the impugned transfer order dated 2nd September, 2021 on the ground that the service of a primary teacher working under District Primary School Council, North 24 Parganas is transferable and no malice in facts and law has been demonstrated in the writ petition relating to such transfer order dated 2nd September, 2021.

This Court has considered the rival contentions of the parties to this writ petition and finds that the transfer order of the writ petitioner has been issued in terms of West Bengal Primary Education (Transfer of Teachers including Head Teacher) Rules, 2002. Considering the relevant provisions of the said rules of 2002, it appears to this Court that the transfer is an incident of service relating to service of the writ petitioner being primary teacher. Moreover, writ petitioner is transferred due to administrative exigency.

In addition thereto, no case has been made out against the said impugned transfer order dated 2nd September, 2021 on the ground of malafide acts resorted to by the respondent authorities.

Therefore, this Court does not find any merit to interfere with the said order of transfer.

Accordingly, the writ application stands dismissed.

There shall be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Saugata Bhattacharyya, J.)