

29.11.2021
Ct. No. 17
Sl 7
BP

WPA 16134 of 2021

Rina Baidya

-vs.-

The State of West Bengal & Ors.

Mr. Sarwar Jahan

Mr. Nilay Baran Mandal

... for the petitioner

Mr. Suman Dey

... for the State

Ms. Koyeli Bhattacharya

..for the Board.

Affidavit of service filed in court be kept on record.

The petitioner, a lady teacher, was appointed in the school in Purulia and she had to accept the appointment though her residence is in the district of Nadia. Subsequently in the year 2017 she made an application for transfer on health ground to any school close to her residence and one transfer order was given to her in a school in Hooghly. I repeat that the petitioner's residence is in the district of Nadia.

Learned advocate appearing for the petitioner submits that the present distance of the school from the residence of the petitioner is 120 kms. Earlier it was 240 kms. This is not much decrease in distance considering the health condition of the petitioner which has been disclosed in the writ application.

Learned advocate for the State submits that now the petitioner has to take steps following Utshashree portal for her transfer but the petitioner submits that there is one transfer order issued by the Commissioner of School Education from Purulia school to Hooghly school. She is not being allowed to apply through its Utshashree portal as it is being shown that she has got a transfer order already.

In such situation, this court considering the facts and circumstances including the instruction given by the Commissioner of School Education to the learned advocate for the State pass the following order.

The order of transfer of the petitioner from Purulia school to Hooghly school dated 11th February, 2021 bearing memo no. 01162/GT/DSE is treated as cancelled and set aside and I find that the petitioner has rightly not joined the said new school namely, Bhandarhati B.M. Institution in Hooghly. The order of general transfer issued by the West Bengal Board of Secondary Education is dated 18th February, 2021 which has been issued pursuant to the order of the Commissioner of School Education which is also cancelled and set aside. Now, the petitioner's application for transfer through Utshashree portal should be accepted and necessary changes should be made by the appropriate authority in Utshashree portal so that the

petitioner cannot have any impediment in applying for her transfer through the said portal.

This order is to be communicated by the petitioner immediately to the Commissioner of School Education, the School Service Commission and the West Bengal Board of Secondary Education though the order has been passed in presence of the respondents.

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

(Abhijit Gangopadhyay, J.)