

24.12.2021
SL No. 54
Court No. 24
(P.M.)

WPA 18583 of 2021

Jagadish Mondal
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Anindya Bose,
Mr. Anindya Sundar Das,
Ms. Sangita Maity,
Mr. Saurov Mallick
... for the petitioner
Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharyya
... for DPSC North 24-Parganas

Mr. Supriyo Chattopadhyay,
Ms. Sayantanee Bhattacharjee
... for the State

The petitioner is aggrieved by the order of transfer issued in his favour on 1st November, 2021. He is an Assistant Teacher in Kalasima Pattabuka Junior Basic School Primary/Junior Basic School, Gaighata Circle and he has been transferred to act as an Assistant Teacher in Gabtala Fp School Primary/Junior Basic School Hasnabad South Circle in the same scale of pay.

The transfer has been made on an administrative ground and in accordance with the provisions of the West Bengal Primary Education Act, 1973 as amended from time to time.

The transfer order mentions that no prayer for transfer shall be entertained for the next seven years

if the transfer order is not carried out by the incumbent concerned within fifteen days from the date of issue and disciplinary proceedings against him will be initiated as per provisions of the Rule.

The petitioner has admittedly not joined his transferred place of posting till date.

Service of the petitioner is a transferable one.

According to the petitioner no reason has been mentioned for transferring him from the present school to the transferee school. It has further been submitted that the petitioner is suffering from various ailments and the distance to be covered by him if he joins the transferred place of posting will pose risk to his health.

It has been submitted that place to where the petitioner has been transferred is nearly 37 Kms away from his residence.

The ground cited by the petitioner for assailing the order of transfer for not recording the reason for transfer is not accepted by the Court. As the service of the petitioner is transferrable it is not always necessary that reasons are to be recorded for transferring the teacher from one school to the other. It has been mentioned that the teacher has been transferred on administrative ground. There is no allegation of mala fide.

The petitioner has exposed himself to the disciplinary proceeding by not joining the transferred place of posting within the time as specified in the order of transfer.

The prayer of the petitioner in the instant writ petition cannot be accepted by the Court.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)