

13. 04. 2022

BP
Sl. 10
Court No. 17

WPA 426 of 2022

Sibendu Hazra
Vs.
The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chatterjee
Mr. Santanu Maji
Mr. Pronay Basak
..for the petitioner.

Affidavit of service along with notice intimating appearance of this matter before this court is kept on record.

The petitioner filed an application for transfer on 20.08.2021. The transfer application is still kept pending, as has been submitted by the learned advocate, with the Headmaster of the school.

My attention has been drawn to one letter of the Headmaster of the school dated 23.08.2021 (Annexure P-5 of the writ application) where the Headmaster has written to the concerned District Inspector of Schools that the petitioner is a single teacher in the post in the school and he teaches Physics in classes XI and XII.

Learned advocate for the petitioner has submitted that from the documents annexed to the writ application it would be evident that the petitioner is not

a single teacher. However, in this matter I need not go to the question of single teacher as before putting some conditions for transfer of single teacher by the Government memo dated 22nd September, 2021 which subsequently included in a gazette notification dated 03.01.2022 the application of the petitioner was filed. The application for transfer of the petitioner was filed on 20.08.2021. Therefore, there was no embargo at the time of filing the application as to single teacher and his case is to be considered by the authorities including the school on the basis of General Transfer Rules of 2015 before the issuance of the said memo of the School Education Department dated 22.09.2021.

Therefore, I direct the Headmaster to forward the application of the petitioner to the concerned District Inspector of Schools by seven days from the date of communication of this order and the District Inspector of Schools is directed to forward the application to the School Service Commission by seven days after receiving the said forwarded application and the School Service Commission is directed to consider the matter of the petitioner and pass necessary order for transfer if he is otherwise eligible. The decision of the School Service Commission is to be taken by two weeks after receiving the transfer application from the end of the District Inspector of Schools.

The petitioner is granted liberty to file a fresh application only for the purpose of selecting new schools from the Utsoshree portal as the school selected through his application might have been filled up in the meantime. If any such school selected by the petitioner is not filled up, he can also select such school/schools besides the new school. His fresh application will be only for the purpose of selection of school and not for other purpose.

I direct the learned advocate for the petitioner to communicate this order immediately to the Head of the institution.

With this observation and direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

