

January 24, 2022
Sl. No.36
Court No.1
SG/s.biswas

WPA (P) 11 of 2022
Gangaram Hemram alias Gangaram Hembram
vs.
The State of West Bengal and others
(Through Video Conference)

Mr. Siddhartha Sarkar, Advocate	
	...for the petitioner
Mr. Ayan Chakraborty, Advocate	
	... for the intervenor
Mr. Amritlal Chatterjee, Advocate	
	... for the State

This public interest litigation has been filed by the petitioner as Secretary of Chaksahapur Lodha Samaj Sebak Sangha with a prayer to issue a direction to the official respondents, more particularly respondent No.5 to set aside the order of transfer of the respondent No.12.

The respondent No.12 is the Head Teacher who has been appointed in Chaksahapur Primary School, Saintal Debra, Paschim Medinipur and the said respondent was earlier transferred by order dated 19.01.2018 temporarily from the present school to another school thereafter she has been transferred back to present school.

The submission of learned counsel for the petitioner is that respondent No.12 has again been transferred to the said school though she has committed irregularity.

So far as the issue of transfer is concerned, it is a matter relating to service and in view of the judgments of Supreme Court reported in (2014) 15 SCC 308 and (2005) 5 SCC 389, the PIL seeking direction to transfer the

respondent No.12 from one school to another cannot be entertained.

The petitioner has also raised some plea in respect of the alleged irregularities by respondent No.12.

The petitioner has a remedy to approach the competent authority of the State in this regard and if such complaint/representation is filed by the petitioner, the competent authority will duly look into the grievance of the petitioner.

The writ petition is accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]