

13.06.2022
Court No.13
Item No.60
AP

WPA 1046 of 2022

**Shambo Potader
Vs.
The State of West Bengal and Ors.**

Mr. Ujjal Ray

... For the Petitioner.

Mr. Bhaskar Prosad Vaisya, AGP
Mr. Sagnik Chatterjee

... For the State.

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

... For the WBCSSC.

The petitioner is an Assistant Teacher in Salgora Junior High School. He has applied for transfer on medical grounds for his wife's serious gynecological problem. The concerned District Inspector of School has verified and confirmed the gynecological condition of the petitioner's wife. But the issue is, there are only presently two teachers in the school including the petitioner for 133 students.

This Court is unable to appreciate as to why more teachers have not been posted by the concerned District Inspector of Schools at the abovementioned school.

Be that as it may, since the petitioner has made out a clear case for transfer on medical grounds, the concerned District Inspector of Schools and the Commissioner of School Education shall identify and

post appropriate number of teachers, not restricted to two, in the aforesaid school immediately.

Thereafter, the petitioner shall be transferred from the said school to the schools already indicated in his list of choice on the Utsashree portal, after four months from date, subject to availability of vacancies. If no vacancies are available in the foremost chosen school, the petitioner may exercise the option for transfer in two other schools having vacancies.

The petitioner shall serve a copy of this order on the West Bengal Central School Service Commission, the Commissioner of Schools Education, Salgora Junior High School, and the concerned District Inspector of Schools. The respondents shall consider and increase the strength of teachers in the aforesaid school.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)