

15.03.2022
Item No.203
Ct. No.17
S.A.

W.P.A. 1506 of 2022

Arundhuti Chakraborty
-vs-
The State of West Bengal & Ors.

Mr. Chittapriya Ghosh
Mr. Samir Kumar Adhikari
Ms. Priyanka Saha
... for the petitioner
Ms. Supriya Dubey
...for the SSC

The petitioner submits that first she made one application for transfer in 2014 which was ultimately rejected after giving her hearing by the Commissioner of School Education by order dated 17.12.2021. But the petitioner was granted liberty to file transfer application through Utsashree portal which she did. But the said application came back to the petitioner from the end of the District Inspector of Schools directing the School Authority not to forward the applications received from more than 10 per cent of the total number of teachers of that school. The petitioner disputes this observation of the District Inspector of Schools stating that the school has 22 teachers along with the Headmaster and 6 Para teachers. However, even if the permanent teachers are considered, the school can send three applications for transfer being 10 per cent of the 22 teachers.

When the result of the percentage is taken as a whole number it comes to 3.

Despite service, nobody appears for the State.

However, I direct the District Inspector of Schools to hold a meeting of the Headmaster of the school and the petitioner within a period of 10 days from the date of communication of this order and to decide whether the petitioner's application can at all be sent back to her or not.

The decision is to be communicated in writing by the District Inspector of Schools forthwith on the date of meeting and if the petitioner is entitled to get transfer as being a teacher within the 10 per cent rule, further steps are to be taken by the District Inspector of Schools within a period of two days from the date of the meeting otherwise the District Inspector of Schools will intimate the petitioner in writing disclosing reasons why her transfer application was not being considered after the meeting.

With this observation, the writ application is disposed of.

(Abhijit Gangopadhyay, J.)