

Item No.112

10.02.2022

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 1979 of 2022
Supriya Mallick

v.

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Mr. Arkadeb Biswas
Mr. Arka Nandi
... for the petitioner.

Mr. Supriyo Chattopadhyay
Ms.Sayantane Bhattacharjee
... for the State respondents.

The petitioner applied for inter district transfer. Her application was approved by the Secretary, West Bengal Board of Primary Education and communicated to the Chairman, Bankura District Primary School Council by a Memo dated December 27, 2021.

The said memorandum mentions that the petitioner who was an assistant teacher of Senera Junior Basic School has been transferred to Khulyamuri Paire Agoya Primary School under the Taldangra Circle of Bankura in terms of the aforesaid order. Release order has already been issued in her favour by the Chairman of the District Primary School Council, Bankura.

It was thereafter revealed that the school to where the petitioner has been recommended for transfer is a Santali medium school.

The Sub-Inspector of Schools, Bankura has thereafter recommended transfer of the petitioner to either Bibarda Junior Basic School or Bhalukbasa Primary School.

The petitioner has also applied before the Commissioner of School Education by a communication dated January 11, 2022 with a request to permit her to join in any of the schools that has been mentioned by the Sub-Inspector of Schools. The final recommendation is yet to be granted by the Commissioner of School Education.

The petitioner apprehends that as the Release Order has already been issued in her favour but the appointment letter on transfer has not been issued till date, there may be a break in her service tenure.

As it appears that the prayer of the petitioner for transfer was already approved by the Board in December 2021 and she was inadvertently transferred to a Santali medium school instead of a Bengali medium school, accordingly, fresh order of transfer ought to be passed in favour of the petitioner in any of the two schools where there are deficit number of teachers as mentioned by the Sub-Inspector of Schools.

The petitioner is agreeable to join Bibarda Junior Basic School if the appointment letter is issued in her favour.

The respondent no. 2 being the West Bengal Board of Primary Education is directed to take immediate steps for issuance of fresh appointment letter in favour of the petitioner without any break in service of the petitioner in her service record. The decision shall be communicated to the petitioner within a fortnight from the date of communication of a copy of this order.

The writ petition stands disposed of.

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

Sh

(Amrita Sinha, J.)