

25. 03. 2022
BP
Sl. 157
Court No. 17

WPA 2128 of 2022

Priyanka Mazumdar
Vs.
The State of West Bengal & Ors.

Mr. Soumya Majumdar
Ms. Sanjukta Dutta
..for the petitioner.

Dr. S.K. Patra
Ms. Supriya Dubey
..for SSC.

Mr. Pinaki Dhole
Mr. Sayan Ganguly
..for the State.

Mr. Apurba Kumar Datta
Mr. K. Banerjee
..for the respondent no.6.

Affidavit of service filed in court today be kept on record.

The petitioner's case is that she filed her application for transfer in December, 2021. The reason for seeking transfer is that the lady teacher has a three and half years old child and her residence is in Kolkata but she is working in a school in Asansol. When she has a three and half years old child the matter definitely demands sympathetic consideration because it is not only the mother but also the baby who will be punished if sympathetic view is not taken in this matter. The husband of the petitioner lives in Kolkata.

There is no other person who can look after the girl child who lives with her mother.

The petitioner's specific grievance is that the transfer application has been returned by the Head of the Institution on 24.01.2022 as per decision of the Managing Committee 'due to inappropriate staff student ratio total student 1150 and staff 8.'

Though the teacher student ratio is to be kept in mind, a balance is required to be maintained as to whether a person having genuine causes can be transferred and whether any teacher can be replaced by other teacher or teachers.

Learned advocate for the school has submitted that apart from the reason given in the remarks column in Annexure P-8 (page 62), other reason is that the petitioner is the only English teacher in the school and other two teachers senior in age comparing to the petitioner have also filed applications for transfer.

The last two grounds as has been submitted by the learned advocate for the school cannot be considered by this court as the reason shown to the petitioner is only staff student ratio and not others.

Therefore, I direct the concerned District Inspector of Schools, who is the appropriate authority, to decide this matter sympathetically in accordance with law to see whether any local arrangement can be

made in this regard so that the petitioner can be transferred to a school nearer to her residence. The DI will take steps for local arrangement and on the completion of three months from the date of communication of this order he will intimate the petitioner and also the school the result of his endeavour for making local arrangement.

I hope and expect that the transfer of the petitioner will be considered by the District Inspector of School with a sympathetic view by making local arrangement.

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

(Abhijit Gangopadhyay, J.)

