

06-06-2022
ct no. 13
Sl. 31
sp

WPA 2334 of 2022
Girendra Nath Mandal
-Versus-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajit Das

.....for the petitioner

Dr. Sutanu Kr. Patra,
Mr. Sunit Kr. Roy

...for the WBCSSC

The petitioner has applied for transfer from Chhotokhelna Surendra Smriti Vidyapith (HS), Paschim Medinipur, to any other school in South 24 Parganas.

The petitioner is a teacher in Political Science. He submits that the application made, is before the Circular dated September 8, 2021 came into effect, which has prohibited transfer in a single teacher in case only one teacher is available in the concerned school, for the subject being taught by the applicant.

The petitioner submits that his application is not covered by the Circular dated September 8, 2021, since it could not have been given retrospective effect.

This Court is of the view that even without applying the Circular dated September 8, 2021, the petitioner cannot have any absolute right for transfer to a school of his choice. The same is

subject to administrative exigency, and the teaching requirements in the said school.

In that view of the matter, since the Circular dated September 8, 2021 has been amended by the Circular dated September 22, 2021, as notified on January 3, 2022, with certain directions on the D.I. of Schools and the CSE, this Court directs the concerned Head of the Institution of the respondent no.6, to forward the petitioner's application immediately upon receipt of a copy of this order.

The D.I. of Schools, upon receipt of the said petitioner's application, shall apply the Circular dated September 22, 2021, strictly and take immediate steps within 6 weeks from date mandatorily and positively. A reasoned order may be passed and put up on the portal.

With the aforesaid observations, the instant writ petition shall stand 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.)