

06-06-2022
ct no. 13
Sl. 33
sp

WPA 2445 of 2022

Tithi Samanta

-Versus-

The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,

Mr. Aninda Bhattacharya

.....for the petitioner

Mr. Avishek Prasad

...for the State

Dr. Sutanu Kr. Patra,

Mr. Sunit Kr. Roy

...for the WBCSSC

The petitioner has applied for transfer from Araldihi High School (Higher Secondary), Bankura, to Bagnan High School and Sagarbarh Bandhab Satyeswar Vidya Bhawan in Howrah.

The petitioner is a teacher in Physics (H/PG). He submits that the application made, is before the Circular dated September 8, 2021, 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 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 strictly apply the Circular dated September 22, 2021 and take immediate steps.

It is expected that the aforesaid process shall be completed by the D.I. of Schools and the CSE, within a period of six weeks from the date, positively and mandatorily. A reasoned order may be passed and put up on the portal in question.

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.)

