

06-06-2022
ct no. 13
Sl. 45
pk

WPA 2749 of 2022

Aparna Mandal

-Versus-

The State of West Bengal & Ors.

**Mr. Sakti Pada Jana,
Mr. Subhajit Das**

.....for the petitioner

**Mr. Arjun Ray Mukherjee,
Ms. Sucharita Paul**

... for the State.

**Dr. Sutanu Kr. Patra,
Ms. Supriya Debey**

...for the WBCSSC

The petitioner has applied for transfer from Chandpur High School (HS), Rajarhat, North 24 Parganas, to any other school in South 24 Parganas, particularly to Gobindapur Gyanada Debi Girls High School.

The petitioner is an Assistant Teacher in Physical Education. She submits that the application made, is before the Circular dated September 8, 2021, which has prohibited transfer in case only one teacher is available in the concerned school, for the subject being taught by the applicant.

The petitioner submits that her 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 her choice. The same is subject to administrative exigency, and the requirements of 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 C.S.E., this Court directs the concerned Head of the Institution of the respondent no.6 to forward the petitioner's application to the DI afresh immediately upon receipt of a copy of this order.

The concerned D.I. of Schools and Commissioner of School Education, upon receipt of the said petitioner's application, shall strictly apply the Circular dated September 22, 2021 and take immediate steps. A reasoned order may be passed and put up on the portal.

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 date, positively and mandatorily.

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.)