

11.08.2022.
Court No.13
Item No. 190
ap

W.P.A. No. 2843 of 2022
Shuvra Chowdhury
Versus
The State of West Bengal & Ors.

Mr. Ujjal Ray.

...For the petitioner.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey.

...For the WBCSSC.

Ms. Sanghamitra Nandy,
Mr. Rajaram Banerjee.

..For the State.

Mr. Sanjib Das.

..For the respondent nos.6, 7 & 8.

The petitioner's application for transfer has been declined on various grounds by the Head of the Institution. Firstly that the petitioner is not the senior-most amongst 10% of the total strength of teachers in the school; secondly that the petitioner has not uploaded the distance certificate from the Google maps, and thirdly that the Managing Committee of the School has rejected the petitioner's application for transfer.

Counsel for the School submits that there are about 1300 students in the said School and there are only a total of ten teachers as of now.

This Court notes that the 2015 Rules confer a right on the petitioner to seek transfer irrespective of the staff strength. The State, however, is in the

process of taking a second look at the entirety of the Rules.

Admittedly, the School is likely to face serious difficulties on account of the petitioner's transfer, but the same has to be considered in the light of the fact that two other persons have been issued 'No Objection Certificate' by the School and have been transferred. One of two such transfers was on medical ground.

Without going into the controversy raised, and given the predicament of the School, the School Education Department and the School Service Commission shall immediately consider posting suitable number of teachers in the School for the subject in question bearing in mind that there are 1300 students in the School and only ten teachers remain at present.

The petitioner shall apply afresh for transfer. The said application shall be forwarded by the Head of the Institution to the concerned District Inspector of Schools and shall thereafter be processed by the District Inspector of Schools and other authorities strictly in accordance with the 2015 Rules. The entire process shall be completed within a period of four weeks from receipt of such application.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)