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08.04.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 3671 of 2022

**Biswajit Ghoshal
-versus
State of West Bengal & Ors.**

**Mr. Kumar Jyoti Tewari,
Mr. Panchanan Hajra.
...For the Petitioner.**

**Mr. Pinaki Dhole,
Mr. Avishek Prosad.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner's successive applications for transfer have been rejected on the ground that the school will be left with a single teacher, in the event the petitioner is transferred.

It is the specific case of the petitioner that one of the other teachers of the school who joined after the petitioner applied for transfer was accepted, but the petitioner's prayer for transfer was rejected.

Prior to allowing the application for transfer of the other teacher of the school, the previous application as well as the subsequent application of the petitioner for transfer was rejected.

Attention of the Court has been drawn to a memo dated 22nd September, 2021 issued by the Commissioner of School Education, West Bengal

wherein the issue of transfer of single teacher was considered by the School Education Directorate.

The Commissioner was of the opinion that till such time suitable amendment in Sub-Rule 2(6) of Rule 6 of the WBSSC (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 is not made, in order to provide some relief to the intending teachers within the framework of law, a working arrangement may be made at the level of the District Inspector of Schools (S.E.).

It was decided that in the event a single subject teacher makes application for transfer, the school Management Committee will not reject the application and will inform the District Inspector of Schools (S.E.) about such application.

The District Inspector of Schools (S.E.) will immediately discuss the matter with the Commissioner of School Education. In a fit case, the District Inspector of Schools (S.E.) will take urgent step, in time bound manner, to search for a teacher on the same subject from nearby schools and make local arrangement so that the teacher of the other school attends the school wherefrom the teacher concerned has applied for transfer on limited days of the week on a temporary basis till such time a permanent teacher on that subject joins.

The service of the petitioner is transferable and transfer ought not to be refused on successive occasions on the ground that the school will be left with a single teacher, more so, because the order of transfer was passed in respect of another teacher in the selfsame school.

In view of the above, the Chairman of the District Primary School Council, Hooghly is directed to consider the prayer of the petitioner for transfer from his present school, strictly in accordance with the transfer policy.

The prayer of the petitioner shall not be refused on the ground that the school will be left with a single teacher.

The Chairman shall consider the matter at the earliest, but positively within a period of six weeks from the date of communication of a copy of this order.

The Chairman shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)