

09.06.2022
Court No.13
Item No.59
AP

WPA 4096 of 2022

Lipika Kanrar
Vs.
The State of West Bengal and Ors.

Mr. Moloy Bhattacharya
Ms. Minakshi Ghosh
Mr. P. Dutta

... For the petitioner.

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

... For the WBCSSC.

Mr. Sandip Kumar Bhattacharyya
Mr. Suman Basu

... For the Respondent Nos.6 & 7.

The petitioner is an Assistant Teacher in Chiladangi Rabindra Vidyabithi school. The petitioner has applied for transfer indicating medical grounds. The medical condition of the petitioner has not been verified. However, when the application was made through the Utsashree portal, the rejection was found on the ground that the Managing Committee is unwilling to release her, as she is the only history teacher in the said school.

In terms of the Notification dated 3rd January 2022, particularly Rule 6 thereof, a District Inspector of Schools cannot reject an application for transfer on the ground that only a single teacher is available to teach the subject of the applicant in the

school. The procedure required under the said circular is required to be followed i.e., inter alia, to ascertain as to whether a teacher is available in any nearby school to teach the subject in the petitioner's present school.

In that view of the matter, the concerned District Inspector of School shall begin consultations with the Commissioner of School Education to take appropriate steps, inter alia, to ascertain the availability of a teacher to teach the subject of the petitioner in the latter's school.

The petitioner's application shall be processed and disposed of, preferably within a period of two months from the date of receipt of a copy of this order.

With the aforesaid directions, the writ petition is 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.)