

Court No. 24
29.03.2022
(Item No. 99)
(AB)

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

W.P.A. 4748 of 2022

Joydeb Pramanik
VS
The State of West Bengal & Ors.

Mr. Biswarup Biswas
Mr. Sayantan Hazra
..... for the petitioner
Mr. Ranjan Saha
.... For respondent Nos. 3 & 4
Mr. Supriyo Chattapadhyay
Mr. Shamim ul Bari
.... For the State

The application for transfer of the petitioner was accepted by the West Bengal Board of Primary Education and inter-district order of transfer was passed by the Secretary of the West Bengal Board of Primary Education on 12th February, 2021 transferring the petitioner from Bagdoba Primary School under the Jhargram DPSC to a school in Medinipur East Circle under Paschim Medinipur DPSC. Prior to joining the school the petitioner was supposed to obtain a release order from the Chairman of the concerned DPSC of the existing school.

The Paschim Medinipur District Primary School Council issued Office Memo dated 28th February, 2022, whereby in terms of the approval of the order of transfer passed by the Board, the petitioner has been appointed on transfer in Bhutgeria Primary School, Sadar East Circle under the Paschim Medinipur District Primary School Council. The petitioner was to join the above school within

fifteen working days and was supposed to report to the Sub-Inspector of Schools of Sadar East Circle, Paschim Medinipur. The petitioner was supposed to join the new post with the release order from the Chairman of the Council.

The grievance of the petitioner is that even though the order of transfer has been issued, the release order is yet to be issued in his favour. For want of the release order, the petitioner cannot join the transferee school.

Learned advocate representing District Primary School Council, Jhargram submits, upon instructions, that release order cannot be issued because if the petitioner is released, then the school will be left with a single teacher. With a single teacher it will be difficult to run the school in a proper manner.

No provision of law has been shown by the respondents which permit withholding issuance of the release order if the school is left with only a single teacher.

Neither any provision of law has been shown under which the release order can be withheld even after the transfer order is issued in favour of an incumbent.

In view of the above, the instant writ petition is disposed of by directing the Chairman of Jhargram District Primary School Council to take immediate steps for issuing the release order in favour of the petitioner at once but positively within a period of seven days from the date of communication of a copy of this order.

The transferee school under the District Primary School Council, Paschim Medinipur shall permit the petitioner to join after the release order is issued in his favour.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)