

12.04.2022
SL No. 32
Court No. 24
(P.M)

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

WPA 4795 of 2022

**Sk. Hamidul Haque
Vs
The State of West Bengal & Ors.**

Mr. Nirmalya Kumar Das,
Mr. Jahangir Hossain
... for the petitioner .

Mr. Prosenjit Mukherjee,
Ms. Madhurima Sarkar
... for Madrasah Service
Commission

Mr. Biswabrata Basu Mallick,
Mr. Sanjib Das
... for the State

The petitioner is a teacher of a Madrasah.
He was appointed on 2nd September, 2011. His
service was confirmed by the Secretary of the
Madrasah where he was serving by a
communication dated 10th June, 2016.

The petitioner made application for
transfer on account of non-availability of
students in the Madrasah. The District
Inspector of Schools (Secondary Education),
Purba Medinipur forwarded an enquiry report of
the Assistant Inspector of Schools (Secondary
Education), Purba Medinipur dated 5th
September, 2013 wherein it has been

mentioned that only one student got admitted in the year 2010-2011 in Education stream in the Madrasah. 17 students got admitted in the Higher Secondary Section. Students strength in the Madrasah appears to be very low and the teaching staff mentioned is 21.

The Assistant Inspector of Schools opined that the prayer for transfer of the petitioner may be considered.

The petitioner thereafter, went on making successive applications for transfer but none of the representations of the petitioner was considered.

The petitioner thereafter applied in the online portal for general transfer 2021. The same has also not been considered. It has been submitted that the process for counselling has not yet started and there is no possibility of the same to start immediately.

It appears that the petitioner is a teacher of the subject "Education". There is hardly any student in the said Madrasah in the said subject.

It appears that the service of the petitioner cannot be utilized on account of unavailability of students.

The appropriate action in such a case would be to transfer the teacher to an institute where the subject is being taught on regular basis.

Accordingly, the West Bengal Madrasah Service Commission is directed to immediately consider the application of the petitioner praying for transfer in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

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

The petitioner is directed to forward the copy of the relevant documents in support of his claim of unavailability of students in the Madrasah.

The writ petition stands disposed of.

Affidavit of service filed in Court is taken on record.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)