

Court No. 24
28.03.2022
(Item No. 26)
(AB)

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

W.P.A. 6233 of 2021

Rituparna Ghosh
VS
The State of West Bengal & Ors.

Mr. Partha Ghosh
Mr. Amal Kumar Datta
..... for the petitioner
Mr. Malay Kumar Singh
Mr. Raja Ram Banerjee
..... For the State
Mr. Subir Sanyal
Ms. Susmita Sen
..... For respondent

The petitioner is aggrieved by an order passed by the Sub-Inspector of Schools, Bolpur West Circle, Sriniketan on 11th February, 2021 whereby the petitioner has been asked to join Jadavpur Nimnabuniyadi (Junior Basic) Vidyalaya.

The petitioner submits that she has some medical issues and that is the reason she got herself transferred in the Rabindra Sikshaniketan where she is presently serving as a permanent Assistant Teacher.

According to the petitioner she has been asked to join as Assistant Teacher (Temporary) in Jadavpur Nimnabuniyadi (Junior Basic) Vidyalaya.

The petitioner made a detail representation before the Chairman of the Birbhum District Primary School Council on 17th February, 2021 and alleges that the same has not been considered till date.

Learned advocate representing Birbhum District Primary School Council submits, upon instructions, that the petitioner has not been transferred at all but she has been deployed temporarily for serving as Assistant Teacher in the transferee school as the teacher-student ratio of the said school is less as per the ratio laid down in the RTE Act, 2009.

Learned advocates for both the parties submit that the petitioner, even though was requested to join the transferee school, is still continuing in the previous school.

Fact remains that more than thirteen months have lapsed from the date the petitioner was asked to join the new school on temporary basis. The petitioner has failed to do so for the reasons best known to her. It appears that the order impugned remained unimplemented for a considerable period of time.

At this stage, after so many months, there is no requirement to enter into the issue at all. It will be open for the respondent authorities to take steps in accordance with law for engaging the petitioner at any place where her service may be required in the interest of education.

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.)