

28.07.2022
Court No.13
Item No.138
pk

WPA 5434 of 2022

**Purnima Banerjee
Vs.
The State of West Bengal and Ors.**

Mr. Sambuddha Dutta,
Mr. Shamit Dutta

... For the petitioner.

Mr. Swapan Banerjee,
Mr. Sougata Mitra

..For the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey.

..For the WBCSSC.

The petitioner's application for transfer has been declined by the Managing Committee of the Baikunthapur High School (H.S.), P.S.-Kultali, District-24 Parganas (N) on the ground that four teachers have left the school on transfer.

This Court is inclined to accept the submissions of the counsel for the petitioner that it is the availability of teachers in the particular subject that should be the criteria for examination of the school. In any event, even if the petitioner ends up being the only teacher in the subject concerned, the same cannot be a bar to transfer under the amended 2015 Rules.

In those circumstances, the petitioner shall apply afresh to the head of the Institution for transfer and the same shall be forwarded by the head of the Institution to the D. I. of Schools for further process.

However, considering the predicament of the school, this Court directs the School Service Commission in consultation with the D. I. of Schools to arrange under the applicable Rules to post sufficient number of teachers to replace the vacancies created by transfer of four teachers to the school as also that of the petitioner.

The School Service Commission shall exercise all available powers for effecting such transfer and also if necessary, any option given by any other teacher to join this particular school under the Utsashree portal.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will 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.)