

18.08.2022
Court No.13
Item No.222
pk

WPA 5785 of 2022

**Reshmi Ghosh
Vs.
The State of West Bengal and Ors.**

Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Mousumi Hazra

... For the petitioner.

Mr. Rabindra Narayan Dutta,
Mr. Hare Krishna Halder

..For the State.

Mr. Sourav Mitra,
Mr. Suman Dey.

..For the WBCSSC.

Affidavit of service filed in Court is taken on record.

Counsel for the State submits that there are 145 students in the school. The petitioner is the only teacher in Philosophy in the higher secondary section of the school. It appears from the records that the petitioner applied for transfer after divorce with her husband. The decree of divorce has been annexed to the writ petition. The petitioner being the only teacher in the subject cannot be a ground for refusing of an application for transfer. The application is still pending consideration before the head of the Institution.

In those circumstances, petitioner's application dated 22nd November, 2021 shall be returned to her.

The petitioner shall be entitled to apply afresh for transfer on the ground of divorce.

Upon receipt of the said application, the same shall be forwarded by the head of the Institution to the D. I. of Schools(SE) for further processing at his end. The respondents shall complete the processing of the petitioner's application within a period of three weeks after receipt of the application and if transfer is permitted, the respondents shall post suitable teacher in place and stead of the petitioner in the school concerned.

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.)