

18.08.2022
Court No.13
Item No.223
Saswata

WPA 5787 of 2022

Partha Pratim Mondal
Vs.
The State of West Bengal and Ors.

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

... For the petitioner.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

...For the State.

Mr. Sourav Mitra,
Mr. Suman Dey.

...For the WBCSSC.

The petitioner's application for transfer has been disallowed by the managing committee of the school. The reason advanced particularly indicates that the managing committee has only said that there are no major concerns with the petitioner warranting the transfer. The petitioner is located at a distance of 37 kms. from the present school.

Counsel for the petitioner relies upon rule 3 (ii) of the Rules of 2015 indicating that he is entitled to apply for transfer, if the school is not within 25 kms. from his residence.

The school, however ought to have specified appropriate grounds for refusal.

This Court however notes that the State and the SSC are struggling to post teachers on applications for transfer made by teachers located at a distance of more

than 100 kms. from their residences. It is indeed true that rules permit the petitioner to apply for such transfer since he is located at a distance of 37 kms. from the school.

In the facts and circumstances of the case, however, this Court is not inclined to interfere or grant relief to the petitioner.

The petitioner's application for transfer shall be deemed to have been rejected at this stage.

With the aforesaid directions, the instant writ petition is 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.)