

28.07.2022
Court No.13
Item No.146
pk

WPA 6993 of 2022

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

Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das,
Mr. Abhishek Bose

... For the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Suman Dey

..For the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey.

..For the WBCSSC.

Mr. Tanmay Chowdhury,
Mrs. S. Ganguly,
Mr. A. Chakraborty,
Ms. R. Ghosh

... for the respondent no. 3.

The facts of the case are peculiar. The headmistress and the Managing Committee are at serious loggerheads with each other with regard to the administration of the school. The D. I. of Schools(SE) has intervened in the matter on at least two occasions and has tried to sort out the matter. The parties, however, remain at loggerheads. It is also submitted that a member of the Managing Committee have resigned in view of the aforesaid impasse.

The petitioner seeks transfer from the school to another school and has applied in writing on 05.04.2022.

The President and the Managing Committee are represented and have no objection to the petitioner being transferred.

In those circumstances, this Court directs the School Education Department to invoke the powers under Section 10(C) of the West Bengal School Service Commission Act, 1997 and recommend the petitioner for transfer to a school of her choice subject to availability and/or purely at their discretion.

Upon receipt of a recommendation from the School Education Department, the School Service Commission shall recommend such transfer and the West Bengal State Education Board shall issue appropriate orders.

The instant order is passed in the peculiar facts and circumstances of the case and in the interest of both the administration of the school and the teacher. The same shall not be treated as precedent.

Since no affidavits have been called from the respondents, the allegations made in the writ petition shall not be deemed to have been admitted by them.

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.)