

06.06.2022.
Court No.13
Item No. 58
ap

W.P.A. No. 8452 of 2022

**Suvra Banerjee
Versus
The State of West Bengal & Ors.**

Mr. Robiul Islam,
Mr. K.M. Hossain,
Mr. P. Banerjee.

...For the petitioner.

Mr. Supriyo Chattopadhyay,
Ms. Iti Dutta.

...For the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey.

..For the WBCSSC.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner had applied for a transfer since she is physically handicapped below the knees, in both limbs. Her application for transfer was rejected on the ground that the distance between the present School and the preferred School is less than 25 kilometers.

This Court is of the view that given the fact that the petitioner is a physically handicapped person, the Rule that the choice of School for transfer should be more than 25 kilometers, cannot be applied to the petitioner.

A physically handicapped person seeks transfer to a place close by to the residence, since the disability makes travel difficult, cumbersome and painful.

In that view of the matter, since the petitioner has chosen Arambagh Girls High School, Hooghly, which appears to have a vacancy in the post of Bio-Science Teacher as on 8th April, 2022, she shall be transferred and posted thereat, subject to the availability of the said vacancy as on date.

In the event vacancy is not available in Arambagh Girls High School, Hooghly, the petitioner may be transferred to Nirbhoypur BGN Siksha Niketan, Arambagh, Hooghly or Chatra High School, Arambagh, Hooghly.

It is expected that order of transfer shall be passed by the School Service Commission and the Board within a period of two weeks from the date of receipt of a server copy of this order.

Needless to mention that the respondent No.7, namely, Dhapdhara BCS Vidyapith, Ankri, Hooghly shall forward the petitioner's application to the concerned District Inspector of Schools immediately upon receipt of this order.

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

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

