

10.06.2022.
Court No.13
Item No. 93
ap

W.P.A. No. 9041 of 2022

**Rupali Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Shuvro Prakash Lahiri.

...For the petitioner.

Mr. Biswajit De,
Mr. Debduti 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 writ petitioner is aggrieved by a
communication dated 7th April, 2022 issued pursuant
to the direction of a Co-ordinate Bench of this Court
dated 15th March, 2022 passed in W.P.A. No. 1638 of
2022.

The petitioner had applied for transfer to chose
any of two Schools, namely, Bhatpara High School
(H.S.) and Sthir Para Junior High School at
Barrackpore.

Admittedly there is one vacancy each in each of
the said School in the post of English teacher. The
petitioner's application for transfer was declined on the
ground that in Bhatpara High School (H.S), there are
63 students against a total strength of 24, whereas in
Sthir Para Junior High School, there were only four

students for whom there are three Assistant Teachers posted.

The petitioner's argument is that despite the teacher student ratio, as indicated above, there is a vacancy in the post of English Teacher. The claim of the petitioner that she must therefore be mandatorily posted against such vacancy cannot be accepted.

The very basic requirement of reorganization of teaching staff from a School which either has too many teachers, or too less teachers, compared to students, takes precedence over the right of Teacher for transfer under the Rules of 2015, and the amendments made thereafter. A transfer is subject to administrative agency.

Mr. Lahiri, Ld. Counsel appearing on behalf of the petitioner submits that notwithstanding the impugned order dated 7th April, 2022, a teacher has been posted at Bhatpara High School (H.S) against the vacancy of English Teacher. The same has subsequently been cancelled and withdrawn, as submitted by the parties.

In that view of the matter, no relief can be granted to the writ petitioner in this writ petition.

Hence, W.P.A. No. 9041 of 2022 shall stand disposed of without any order.

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.)