

Court No. 17

WPA 16780 of 2021

19.01.2022

(AD 9)

(S. Banerjee)

Esha Bhattacharyya

Vs.

The State of West Bengal & Ors.

(File not here)

(Via Video Conference)

Mr. Ekramul Bari
Ms. Tanuja Basak
Sk. Imtiaz Uddin

... for the petitioner

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas

... for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

... for the SSC

Mr. Tulsi Das Maiti
Mr. Pradip Kumar Ghosh

... for the respondent no. 5

The file is not here. But I cannot keep the citizen of India waiting on account of non-availability of a file in the court room when the counsel for parties are present.

I direct the department to place the file in the court immediately in course of the day.

I am passing this order on the basis of a copy of writ application handed over to me by Mr. Maiti, who is appearing for the respondent no. 5 physically today. His physical appearance is allowed.

This is a case where the petitioner applied for transfer from his present school to another school on

14th August, 2021. Her application has come back to her without disclosing any reason from the end of the concerned District Inspector of Schools on 3rd September, 2021.

However, Mr. Deb Roy, learned advocate for the State, has intimated that it has been sent back by the District Inspector of Schools as it was a single teacher post and there is a memo of the government dated 22nd September, 2021 whereunder the cases of the single teacher post would be guided.

I have already decided in several matters that when the application was made before coming into force of the said memo dated 22nd September, 2021, this memo cannot have any application as this memo does not have any provision for retrospective effect.

Therefore, I set aside the sending back of the application by the District Inspector of Schools and direct the District Inspector of Schools to take immediate steps afresh for transfer of the teacher from his present school to another school on the basis of her application dated 14th August, 2021. The entire process is to be completed by 45 days from the date of communication of this order to the concerned District Inspector of Schools.

I direct the petitioner to communicate this order immediately to the concerned District Inspector of Schools.

Mr. Maiti who is appearing for the headmistress (as the teacher in charge is not there now because of

joining of headmistress in the school) has submitted that the school did not object to the transfer of the petitioner and granted permission to her. The concerned District Inspector of Schools should consider this aspect of the matter that the school also did not object to her transfer.

The respondents will act within a period of 45 days from the date of communication of this order.

With the above observation, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)