

W.P.A. 17121 of 2021
Sounak Ghosh
-vs-
State of West Bengal and Ors.

(Via Video Conference)

Mr. Firdous Samim

Ms. Gopa Basu

.... For the petitioner

Mr. Shamim Ul Bari

.... For the State

Mr. D.K.Sengupta,

Ms. Sweta Saha ... for respondent no. 5

The petitioner filed application for transfer but the school did not issue no objection certificate.

Learned advocate for the school has appeared today and has intimated this Court that the applications were for the distance between petitioner's place of work and the petitioner's spouse's place of work and nothing else. However, the petitioner has tried to make out a case of son's illness saying with the illness Autism.

I am not convinced by the submission made by the petitioner that the applications for transfer were for the child's illness as it does not appear from page 56 or from page 57 which are two applications and also from page 64 which is an application for general transfer to the Commissioner of School Education.

Learned advocate for the school has submitted that the petitioner applied for transfer in "Utsashree" portal. On 28th August, 2021 whereas the administrator of the school had already recommended transfer application of

six teachers, list of which has been handed over to this Court which is kept on record on 19.08.2021 i.e. before the application was made by the petitioner.

Hence considering the ten per cent rule as mentioned in rule 4 (1) (c) (4) of the relevant Rules (vide page 46 of the application) the administrator could not issue the no objection certificate to the petitioner.

I accept the submission made on behalf of school and I do not find any merit in this writ application and the same is dismissed.

(Abhijit Gangopadhyay, J.)