

19 24.11.2022
Sc Ct. no.22

WPA 17819 OF 2022

Nilakhi Bhowmik Chowdhury

Vs.

The State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury

Mr. Rajib Ghosh

Mr. Rohan Paul.

....For the Petitioner

Mr. Biswajit De

Ms. Rajlakshmi Ghatak.

....For the State

Mr. Kanak Kiran Bandyopadhyay

....For the SSC

Affidavit-of-service, filed in Court, is taken on record.

The petitioner claims to be an **Assistant Teacher at Shree Mandhari High School, Kanchrapara**. She applied through Utsashree Portal to get her transfer at a nearest school of her residence principally on two counts that, she has to travel about 72 Kilometers to and fro and on the medical ground in terms of the medical practitioner's report, **Annexure-P3** to the writ petition. The petitioner's claim was considered and rejected by the respondent no.6, **Annexure-P6** to the writ petition on April 20, 2022 with the following observation:

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REMARKS

Your application has been returned by D.I. of school (SEDBK Hence it is being return to you.

Applicant from Hindi medium school, applied for Bengali medium school, not applicable here as per General Transfer rule. As well as the applicant is a single teacher for that particular subject.

She was appointed as a Sanskrit teacher under 3rd language group but teaches bengali presently due to non availability of the A.T. of the said subject since 2008. Hence, her request for transfer be made considering the needs of the school.

As directed by C.S.E. application is returned back until or unless the process of local arrangement is completed and permission is granted from the C.S.E.

Smt. Nilakhi Bhowmik Chowdhury (AT) is the single teacher the subject Sanskrit. If she gets transfer else where it will hamper the teaching learning of third language in the School. Hence consideration be made in the interest of the young kids.

No NOC has been provided by the school authority

Please Necessary action may be taken.”

Mr. Biswajit De, learned advocate appears for the respondent nos. 1 and 6. Mr. Kanak Kiran Bandyopadhyay, learned advocate appears for the respondent nos. 4 and 5.

It is trite that writ court in exercising its high prerogative writ jurisdiction with a limited jurisdiction shall scrutiny the decision making process of the respondent no.6 upon perusal of the said decision for rejection of prayer for transfer, **Annexure-P6** to the writ petition and not beyond.

The respondent no.6 is the authority with the necessary expertise who had considered the issue raised by the petitioner and found it not to be allowed in view of the observations made therein as quoted above. From the observations made by the respondent no.6 it appears to this Court that those are justified and were made on due consideration of all the factors necessarily to be considered and also on the basis of the materials available before it.

In view of the above, the said decision of the respondent no.6 rejecting the prayer for transfer of the petitioner is not interfered with.

This writ petition **WPA 17819 of 2022** stands dismissed, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)