

12 21.9.2022
Sc Ct. no.22

WPA 18107 OF 2022

Sujan Sadhukhan

Vs.

The State of West Bengal & Ors.

Mr. Sujit Kumar Rath
Mr. Subir Hazra.

....For the Petitioner

Mr. Tarun Kumar Ghosh
Ms. Debarati Sen Bose.

....For the Respondents

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

This is a writ petition by a father of a minor student. The son of the petitioner was born in 2015. The son of the petitioner at present is a student at **Barasat Pearicharan Sarkar Sarkari Uchha Vidyalaya**. The petitioner with his son stays at Barrackpore, which according to the petitioner, is substantially far away from the school.

The son of the petitioner, according to the petitioner, is sick and suffers from Acute exacerbation of chronic Bronchial Asthma. He suffers from recurrent attacks of cough and fever and respiratory distress particularly during the change of weather. The son was medically advised to avoid exposure to dust and smoke. In support of such contention, the petitioner has relied upon a medical certificate, issued by a Government

Hospital at Barrackpore, **Annexure-P6** to the writ petition. In view of this factual backdrop, the petitioner seeks transfer of his son from the said Barasat school to Barrackpore Government High School and to get admission.

The petitioner submits that, a representation dated March 22, 2022 was made before the appropriate authority, **Annexure-P7** to the writ petition and the same has not yet received any consideration. The petitioner further relies upon a document, **Annexure-P9** to the writ petition and submits that, similarly placed students were allowed to be transferred from a far away school to a school which is nearby to his residence.

Mr. Tarun Kumar Ghosh, learned State counsel is present. He submits that the ground shown in the writ petition cannot be a ground seeking transfer.

Considering the submissions of the writ petitioner and on perusal of materials on record, this Court is of the firm opinion that, such type of writ petition cannot be entertained by this Court in exercise of its high prerogative writ jurisdiction. The ground shown in the writ petition cannot be a ground on which a guardian of a student can seek transfer of his son from one school to another. If such a writ petition is entertained, it will have a serious impact on the education policy of the State, which is not permissible, to the view of this Court. More so, in every school the capacity to admit students are

always limited by numbers. If on such ground the transfer of a student is allowed, then there will be a serious administrative collapse on the education policy of the State.

In view of the above discussions and reasons, this writ petition, **WPA 18107 of 2022** stands dismissed.

There shall be no order as to costs.

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

(Aniruddha Roy, J.)