

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A 608 of 2022
(Via Video Conference)**

**Jamiul Ali
-versus
State of West Bengal & Ors.**

**Md. Sarwar Jahan,
Mr. Firoze Hassan,
Mr. Maidul Islam Kayal.
...For the Petitioner.**

**Mr. Hirak Barman,
Mr. Momenur Rahman.
...For the State.**

The petitioner is a Secondary School teacher. He applied for general transfer on 7th August, 2021. The Head of the Institution communicated the petitioner that the School Managing Committee decided not to forward his application to the District Inspector of Schools as there were five vacant sanctioned post of Assistant Teacher in the school. The petitioner was communicated on 10th September, 2021 that the School Managing Committee was unable to issue the 'No Objection Certificate' in his favour as he was the single teacher of Physical Science in that school.

The petitioner again applied for transfer on 9th January, 2022.

The school authority, thereafter, issued a 'No Objection Certificate' in his favour on 24th January, 2022 but the District Inspector of Schools, Secondary

Education disallowed the prayer for transfer on the ground that the petitioner happens to be the single teacher of the subject in that school particularly, relying upon the Memo No. 66 (25) CSE/2021 dated 22nd September, 2021. The petitioner is aggrieved by the same.

The Memorandum dated 22nd September, 2021 clearly mentions that in the event a single subject teacher makes application for transfer, the SMS will not reject the application and will inform the DI(SE) about such application. The DI(SE) will immediately discuss the matter with the CSE. In fit cases, the DI(SE) will take urgent step in time bound manner to search for a teacher on the same subject from nearby schools and make local arrangement so that the teacher of the other school attends the school wherefrom the teacher concerned has applied for transfer on limited days of the week on a temporary basis till such time a permanent teacher on that subject joins. The DI will inform such arrangement to the CSE who shall inform the matter to the Chairman, WBCSSC, President WBSSE and School Education Department. CSE will ensure such arrangements in 7 days time immediately. The DI will communicate such arrangement to the school concerned and the HOI in question will forward the application of the teacher to the DI(SE). The DI(SE) will then forward the case to the WBCSSC for consideration. WBCSSC will suitably recommend the case for transfer to the WBBSE and the Board will issue transfer order accordingly.

It appears from the said Memorandum that DI is required to take positive steps on receipt of an application for transfer from a candidate who appears to be a single teacher of the subject.

The School is unrepresented. There is no instruction from the District Inspector of Schools as to whether steps were taken pursuant to the Memorandum dated 22nd September, 2021.

In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools to take necessary steps in accordance with the Memo dated 22nd September, 2021 and to make arrangements of a teacher of the same subject from the nearby school.

The District Inspector of Schools shall act in accordance with the said Memorandum and discuss the issue with the Commissioner of School Education at the earliest. The Commissioner shall thereafter follow up the matter with the School Service Commission. The prayer of the petitioner for transfer shall be conclusively decided positively within 60 days from communication of a copy of this order.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)