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07.03.2022.
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Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 616 of 2022
(via video conference)

Dipankar Saha
-versus
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. Debajit Kundu ... For the petitioner

Mr. Bikramaditya Ghosh
Ms. Bedashruti Bose ... For the State

The petitioner's prayer for general transfer made on 2nd August, 2021 is still pending.

Initially, the same was rejected as 10% of the existing teaching strength already applied for transfer. The petitioner was intimated that his case will be considered in the next phase.

At the second stage, the prayer of the petitioner was disallowed on the ground that he happens to be the single subject teacher in the school. He was intimated that he can be released only after an alternative arrangement is made.

Presently, the petitioner's case has again been turned down as the prayer of the 10% of teachers who applied for transfer has been allowed and his case was to be considered after further instruction.

Learned advocate appearing on behalf of the petitioner submits that though two teachers were transferred from the

school but at the same time two separate teachers have joined the school and, accordingly, at present the prayer of the petitioner may be taken up for consideration.

With regard to the single teacher status of the petitioner in the school in the relevant subject, it has been submitted that the District Inspector of Schools ought to act in accordance with the direction given in the Memorandum No. 66 (25)-CSE/2021 dated 22nd September, 2021.

The fact that the petitioner happens to be the single teacher in the subject has not been denied. In such a case where prayer is made from a single teacher of the subject, the same is to be considered in accordance with the memorandum dated 22nd September, 2021 issued by the Commissioner of the School Education, West Bengal.

The District Inspector of Schools is accordingly, directed to act in strict accordance with the memorandum issued on 22nd September, 2021 and to make local arrangement for engaging teacher of the subject from the nearby school so that the prayer of the petitioner seeking transfer may be taken up for consideration.

As regards, the 10% strength of the teachers to be transferred, the District Inspector of Schools shall check as to whether the petitioner's prayer for transfer can be considered in accordance with the relevant provision.

The District Inspector of Schools shall ensure that the prayer for transfer of the petitioner is conclusively dealt with at

the earliest, but positively within a period of sixty days from the date of communication of a copy of this order.

The writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, after completion of all legal formalities.

(Amrita Sinha, J.)