

10.04.2023
Item No.30
Ct. No.17
S.A.

WPA 3501 of 2022

Ganesh Rajak
-vs-
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Mr. Abhishek Bose
Ms. Bina Baidya
...for the petitioner
Mr. B. P. Vaisya
Mr. Arindam Chattopadhyay
...for the State
Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Mr. Anindya Lahiri
Mr. Samrat Dey Paul
...for the respondent nos.7 & 8
Mr. S. M. Ali
...for the respondent No.6

The petitioner alleges that for his transfer an amount of Rs.1,25,000/- (rupees one lakh twenty five thousand) was demanded by some members of the Managing Committee including the President of the Managing Committee and the person interested in education who is a member of the Managing Committee of the school. The petitioner recorded the conversation from the cellular phone and this court directed the DIG, CID to take steps to know whether it is the voice recording of the concerned persons. The DIG, CID sent the matter to the Central Forensic Science Laboratory (CFSL) at Chandigarh. Today a report has come from Chandigarh wherefrom it appears that voices are matching, but I do not find

from the conversation that anybody demanded Rs.1,25,000/- and anybody clearly promises that unless the amount is paid, the petitioner will not be granted transfer. From the report of the CFSL, I find that the voice exhibit of Jayanta Kumar Pal, the Headmaster may be the probable voice of him and it has not been stated like others that it was the voice of the said Headmaster. However, from the voice recording received from the CFSL and the report of the CFSL in respect of the matching of voices, I find three persons voices are matching but nobody demanded Rs.1,25,000/- from the petitioner for his transfer. Therefore, this court cannot accept such allegation that for non-payment of money to the persons concerned, he has not been transferred. The reason for rejection of his transfer application is 10% rule and some teachers who are senior comparing to the petitioner had already been transferred to different schools from the present school of the petitioner and it appears that that is the reason for not transferring the petitioner.

However, some untoward event has happened where a teacher recorded the voice of telephonic conversation of the President of the Managing Committee and the other members of the Managing Committee and also the Headmaster and now it is naturally difficult to the petitioner to work in the

school peacefully. He has also stated before me today that the situation is not conducive for his continuation in the said school.

In such situation, I direct the appropriate authority being the Commissioner of School Education to look into the matter and to see whether the petitioner can be transferred to some other school nearer to his residence as he travels 135 kms for to and fro journey to the school and also his father is a partially blind person. Therefore, the allegations made against the President of the School, the person interested in education and the Headmaster, is not satisfactory to this court for which this court can take any action against them and those persons have not done anything for extracting money from the petitioner for his transfer, at least that has not been proved. Therefore, the allegations made against those persons by the petitioner are not looked into by this court, no decision is taken against them, and in effect the allegations are rejected. However, the question of petitioner's transfer still remains for which I have passed appropriate order above.

With the above observation and direction, this writ application is disposed of.

I hope and expect that the Commissioner of School Education will look into the matter within a period of four weeks from the communication of this

order by the learned advocate for the State and the Commissioner of School Education will grant an opportunity of hearing to the petitioner and the Headmaster of the school by that time and to pass a reasoned and speaking order.

(Abhijit Gangopadhyay, J.)