

Court No. 22
30.01.2023
(Item No. 01)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 8999 of 2022

Pabitra Mondal
VS
The State of West Bengal & Ors

Mr. Sourav Sen
Mr. Rajib Acharya
Ms. Supriya Bhattacharjee
..... for the petitioner
Mr. Supriyo Chattopadhyay
Mr. Bipin Ghosh
.... For State
Mr. Sourav Mitra
Mr. Suman Dey
.... For CSSC

The petitioner's case is for **General Transfer** from his present school at **Rajaramchak Sikshaniketan (H.S.), Purba Medinipur**. The petitioner applied through **Utsashree** portal. It is pertinent to note that, the State by its executive decision has suspended the **Utsashree** portal till **June 30, 2023** for the time being.

Drawing attention to **page 24** from the writ petition Mr. Sourav Sen, learned counsel for the petitioner submitted that, the transfer was rejected by the respondent No. 4 on the plea that **"Anti remarks against the applicant regarding transfer against PTR norms"**.

Mr. Supriyo Chattopadhyay, learned State counsel appearing for respondent Nos. 1, 2 and 4 submitted that, the petitioner is an **Assistant Teacher** for the subject **"Bengali"**. About **2629**

number of students are being taught at the relevant school and only **six teachers** are available for the said subject. In course of the hearing he also referred to an order dated **November 22, 2022** passed by the Hon'ble Division Bench in **WPA 10184 of 2020** and submitted that, the new proviso to **sub-Rule 6 to Rule 5** of the **West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Re-allocation Rules), 2015** has been added keeping in view the need for maintaining **Pupil-Teacher Ratio (PTR)**. He submitted that, following the said Pupil-Teacher Ratio the writ petitioner's application for transfer was rejected.

Mr. Sourav Mitra, learned advocate appears for respondent No. 3.

Considering the submissions made on behalf of the parties and considering the materials on record, this Court is also of the view that, the Pupil-Teacher Ratio must prevail upon while considering an application for transfer of a Teacher. It is the interest of the pupils which should be taken as paramount while imparting education through a School. Unless adequate numbers of Teachers are there the interest of the pupils in a School shall be irreparably prejudiced.

In view of the foregoing discussions and reasons, this Court is of the firm view that, there is no infirmity in the decision taken by the respondent No.

4 at **page 24** to the writ petition while rejecting the case of the petitioner for transfer.

It is, however, made clear that, in an appropriate circumstance and of course, after making a proper replacement arrangement by the relevant State authority taking into consideration of the Pupil-Teacher Ratio, if the petitioner will apply afresh following the norms and regulation for transfer strictly in accordance with law, the appropriate State authority may consider the same in accordance with law.

For the foregoing reasons, this writ petition being **WPA 8999 of 2022** stands dismissed.

There shall, however, be no order as to costs.

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

(Aniruddha Roy, J.)