

07 11.12.2023

Ct-08

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FMA 551 of 2023
with
I.A No. CAN 1 of 2022

Sahanur Khatun
Vs.
The State of West Bengal & Ors.

Mr. Atarup Banerjee
Ms. Anuska Bose
... For the Appellant

Mr. Biswabrata Basu Mallick, Ld. AGP
... For the State

1. We have heard the learned counsel appearing for the parties.

2. Learned counsel appearing for the parties have submitted that issues involved in this appeal have been dealt with and decided in MAT 205 of 2023 (Prapti Chakraborty vs. State of West Bengal & Ors.) on 10th August, 2023 and the present appeal may be disposed of by passing suitable direction in terms of the aforesaid judgment.

3. Mr. Biswabrata Basu Mallick, learned AGP appearing on behalf of the State, has submitted that efforts have been made by the District Inspector of Schools(S.E), Howrah and it appears that two nearby schools, namely, Jagacha High School and Dharsa Azad Sikshayatan have been approached and both the school authorities expressed their inability to spare teacher for the said arrangement.

4. Under such circumstances, we direct the Commissioner of School Education to consider on the application for transfer of the appellant upon production of all relevant documents to be supplied by D.I and the school authorities and also by the petitioner/appellant and to find out a suitable school for the appellant on the basis of the norms prevalent at the relevant point of time with regard to the transfer preferably within a period of six months from the date of communication of this order. Possibility of mutual transfer can also be considered by the Commissioner of School Education in the instant case in order to find out a suitable school for the appellant.

5. The order of the learned Single Judge is modified to the aforesaid extent.

6. The appeal being FMA 551 of 2023 is accordingly disposed of.

7. In view of disposal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2022 and the same is accordingly disposed of.

8. However, there shall be no order as to costs.

9. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar,J.)

(Soumen Sen, J.)