

Court No. 22
30.01.2023
(Item No. 02)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 9570 of 2022

Sri Gopal Chandra Mahato
VS
The State of West Bengal & Ors

Ms. Kaberi Ghosh (Dey)
..... for the petitioner
Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly
.... For State
Mr. Sourav Mitra
Mr. Suman Dey
.... For CSSC

The petitioner's case is for **General Transfer** from his present school at **Mahara High School (H.S.), Purulia**. 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 39** from the writ petition Ms. Kaberi Ghosh (Dey), learned counsel for the petitioner submitted that, the transfer was rejected by the respondent No. 4 on the plea that **"As per mass deputation of guardian and single teacher in Mathematics subject M.C. not approved N.O.C. to Gopal Chandra Mahato for transfer"**.

Mr. Biswabrata Basu Mallick, learned counsel appearing for the State submitted that, the petitioner is an **Assistant Teacher** for the subject **"Mathematics"**. About **1200 number of students**

are being taught at the relevant school and only ***single teacher*** is available for the said subject.

Mr. Sourav Mitra, learned advocate appears for respondent Nos. 4 & 5.

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 39*** 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 9570 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.)