

15.06.2023

MAT 945 of 2022
With

CAN 1 of 2022

Poly Dey
-Vs-
State of West Bengal & Ors.

Mr. S. P. Lahiri
Ms. Tithi Mazumdar
Mr. Rajesh Naskar ... for the Appellant

Mr. Vaskar Prasad
Mr. Sagnik Chatterjee
... for the State

Mr. Sutanu Kumar Patra
Mr. Sourav Mitra
... for the W.B. Central School Service Commission

Party/Parties is/are represented in the order of
their name/names as printed above in the cause title.

By the previous order of this Court dated 8th
June, 2023, the State-respondents were permitted to
file a Report indicating the post to which the
appellant/the writ petitioner can be conveniently
posted on transfer.

Apropos the above directions, the West Bengal
School Service Commission (for short, the Commission
has filed a Report through Learned State Counsel. The
Report reads as follows:

*“ In connection with the aforesaid
matter, the District Inspector of Schools (SE),
Hooghly has submitted vacancies in the three
following schools, vide his memo no. 949/SE*

dated 13.06.2023, where the petitioner may be accommodated on transfer.

1.BAIDYABATI VIDYANIKETAN HIGH SCHOOL.

2.SERAMPORE MISSION GIRLS HIGH SCHOOL.

3.SHEORAPHULI NETAJI BALIKA VIDYAMANDIR.

This is for humble submission before the Hon'ble Court.

Let a copy of the Report of the Commission of School Education, West Bengal (*supra*) be retained with the record.

On behalf of the Commission, it is submitted that the appellant/the writ petitioner had applied for transfer through the Portal of the State Government and such application could not be considered and hence returned to the appellant/the writ petitioner through the Portal itself.

Accordingly, no application of the appellant/writ petitioner survives in the transfer Portal of the State Government.

Furthermore, the said transfer portal stands presently closed and the issue of transferring teachers is now pending a Reference before the concurrent Hon'ble Division Bench.

Dr. Patra, Learned Senior Counsel appearing for the Commission with Mr. Mitra, learned Counsel, further submits that having regard to the above noted situation arising out of the Transfer Portal, the Hon'ble Single Bench permitted the appellant/the writ petitioner to apply afresh. It transpires that, the

appellant/the writ petitioner has not preferred a fresh application, as directed by the Hon'ble Single Bench.

Mr. Lahiri, Learned Counsel appearing for the appellant/the writ petitioner, points out that she is a Physical Education Teacher who has been serving in the present position continuously from 2007 till date and it is a matter of fact that her place of work is located 150 kilometers from her residence. She has a child who is presently of the school going age and hence presently requires attention.

The State is represented by Mr. Vaisya, Learned Additional Government Pleader.

Having heard the parties and anxiously considering the materials placed, this Court permits the appellant/the writ petitioner to opt for transfer to Baidyabati Vidyaniketan High School, which is one of the schools listed in the Report (*supra*) to which the appellant/the writ petitioner can be conveniently posted.

Since the appellant/writ petitioner is a Physical Education Teacher, such transfer will not be prejudicial to the interest of the School in the event the appellant/the writ petitioner is allowed to join at her transferred place with effect from 1st August, 2023, till which date the appellant/the writ petitioner shall continue to serve in her present school.

The above direction is passed considering the

stand of the respondents that they may require at least four weeks time to find out a replacement for the appellant/writ petitioner to the School-in-issue.

In view of the order passed above, the order impugned of the Hon'ble Single Bench ceases to have effect.

It is also made clear that this order be treated to be without precedence and, has been passed having regard to the particular facts of this case.

MAT 945 of 2022 along with **CAN 1 of 2022** stand accordingly **disposed of**.

Since affidavits are not invited, all other allegations stand denied.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied to the parties, subject to compliance with all requisite formalities.

(Supratim Bhattacharya, J.)

(Subrata Talukdar, J.)