

Court No. 17

WPA 16573 of 2022

01.03.2023

(AD 2)

(S. Banerjee)

Avik Mangal Chattopadhyay
Vs.
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Ms. Dipa Acharyya
Mr. Arka Nandi
Mr. Sutirtha Nayek

... for the petitioner

Mr. B. Basu Mullick
Mr. Sanjib Das

... for the State

Mr. Raja Saha

... for the DPSC, Paschim Medinipur

Mr. Firdous Samim

... for the respondent no. 8

Here the petition is for transfer of locally-arranged teacher to his original school.

The locally-arranged teacher is the head teacher of the primary school who is to go back to his original school. This is to be done in compliance with the Government Circular dated 04.01.2022 which is at annexure P-4 to the writ application (at page 31). The relevant part of the said Government Order says that the locally-arranged teaches should be restored to their original schools after posting of regular teachers. Here in the present school where the private-respondent is working as the head teacher, there is no requirement of any posting of any regular teacher because the teacher-student ratio in the school is 28:1 which satisfies the

pupil-teacher ratio under the Right to Education Act, 2009.

Today the District Inspector of Schools have filed a copy of the reasoned order passed on 21.02.2023 where he has given liberty to the private-respondent here, Sri Jagabandhu Singh, being the respondent no. 8, to submit transfer proposal to the Sub-Inspector of Schools following PTR as described in Right to Education Act, 2009. Therefore, liberty has already been given to the said private-respondent for making application for transfer to another school, from his original school.

Learned advocate for the private-respondent has submitted that if he goes back to his original school, there will be a life threat for him, but this aspect cannot be dealt with by a court as this is a matter to be dealt with by the police authority. The private-respondent here is also directed to intimate the reasons of his life threat to the Goaltor Police Station under which the original school of the respondent no. 8 is situated.

I direct the Goaltor Police Station to look into the said statement of the private-respondent very seriously so that no such incident occurs and no untoward situation arises in the original school of the private-respondent herein.

The private-respondent will join the original school by 10th March, 2023 and he has the liberty to file

transfer application to another school whenever he likes after joining the original school.

The District Inspector of Schools (PE) or the Assistant Inspector involved with the respondent no. 6, being the school from where the respondent no. 8 will go to his present school, will decide who will be the Teacher-in-charge of the school from 11th March, 2023.

Engagement of a person as a Teacher-in-charge shows that one head teacher is required to be appointed in the school of the petitioner.

The District Inspector of Schools and the concerned Assistant Inspector attached to the school will reconsider whether any head teacher is required to be placed in the school further as the number of students in the school is below 150.

One report has also been filed on behalf of the District Primary School Council, which I have perused. The said report is kept on record.

With the above observation the writ application is disposed of.

Copies of the two reports, as indicated above, are already been supplied to the learned advocates for the appearing parties.

(Abhijit Gangopadhyay, J.)