

06.09.2023
SL No.20
Court No.8
(Sayandeep)

**MAT 1320 of 2023
with
CAN 2 of 2023**

**Sutapa Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Shuvro Prakash Lahiri
Mr. Rajesh Naskar
Ms. tithi Mazumder

.....for the appellant

Ms. Jhuma Chakraborty
Ms. Rinku Sen

...for the State

Dr. Sutanu Kr. Patra

Ms. Supriya Debey

....for the WBCSSC

1. The appellant is a teacher in a government aided School. She is serving the school as a teacher for the last 13 years. She applied for transfer primarily on two grounds namely distance and for “serious gynecological disorder”.
2. The first ground would fall under the category of general transfer contemplated under Rule 3 of the West Bengal School Service Commission (General Transfer), Transfer on Special Grounds and Re-allocation Rules, 2015 whereas second ground falls under the clause 4(1)(a) of the said Rules. The transfer was denied on the ground of single teacher. This issue we have decided in **Prapti Chakraborty vs. State of West Bengal &**

Ors. in MAT 205 of 2023 with IA CAN 1 of 2023 on 10th August, 2023 and **Pijush Kanti Das vs. State of West Bengal & Ors.** in MAT 754 of 2022 on 25th July, 2023. In view of the aforesaid decisions, the application for transfer requires fresh consideration by the appropriate authority. Since on line application for transfer is presently not possible, we permit the appellant to file the application offline.

3. In the event, the appellant files an application for transfer on the aforesaid grounds, the District Inspector of School(SE), Nadia shall consider the said application within two weeks from the date of filing such application and sent his comments and views to the Central School Service Commission for taking a final decision on the basis of the available records. In the event, the Central School Service Commission recommends transfer, the Board of Secondary Education shall issue the transfer order without any delay. The entire process shall be completed within a period of eight weeks from the date of submission of the application for transfer before the D.I(S.E), Nadia.
4. The appeal and the application are allowed and stand disposed of in terms of this order.

5. There shall be no order as to costs.
6. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)