

09.10.2023
SL No.44
Court No.8
(gc)

**MAT 1452 of 2023
CAN 1 of 2023**

**Tapas Kumar Agiyan
Versus
The State of West Bengal & Ors.**

Mr. G.K. Das,
Mr. K.C. Sahoo,
...for the Appellant.
Mr. Bhaskar Prasad Vaisya, A.G.P.,
Mr. Sagnik Chatterjee,
...for the State.
Mr. Biswabrata Basu Mallick, A.G.P.,
...for the Respondent No.7.

1. The petitioner is appointed as an assistant teacher of Manasadwip Ramkrishna Mission High School in 1997 but prior to the enactment of School Service Commission Act, 1997. The Mission has become an autonomous body on and from 2012. Although the teachers appointed with the approval of the School Service Commission between 1997 and 2012 could be considered for general transfer in terms of the rules prescribed by the Commission. The appointment of the present teacher does not come within the purview of the relevant rules because of his appointment prior to the coming into force of the said Act. Moreover, it is submitted on behalf of

the Ramkrishna Mission that the pupil-teacher ratio also does not permit general transfer at this stage. The school is situated in a remote place.

2. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.
3. The appeal fails.
4. The order of dismissal however shall not prevent the appellant to make a representation before the Headmaster of the school for transfer.
5. Accordingly, the appeal and the application stand dismissed.
6. However, there shall be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)