

06.09.2023
Item No.14
Ct. No.17
S.A.

WPA 23078 of 2022

Chandan De

-vs-

State of West Bengal & Ors.

Mr. Sudipta Maiti

...for the petitioner

Mr. Saikat Banerjee

Mr. Ratul Biswas

Mr. Kaushik Chowdhury

...for the WBBPE

Mr. Gourav Das

...for the State

Mr. B. P. Vaisya

Mr. Suman Dey

...for DPSC, Bankura

A report has been filed by the Commissioner of School Education showing the difference between the teachers and para teachers and explaining the reason why para teachers are not included as teachers in a school. Here in this case, the question was transfer of the petitioner from his present school (where some para teachers are there) to another school.

Therefore, this court wanted to know after hearing the submissions of the parties including the learned advocate for the State as to why para teachers are not included for the post of teachers in respect of the transfer of a teacher. From the report I find that differentiation has been made between the teachers and para teachers on three counts.

1. From the view point of appointment of para teachers which is different comparing to the teachers.
2. From the view point of total classes taken by the para teachers which is different comparing to the teachers.
3. The nature of job of para teachers which includes remedial teaching, child tracking etc.

I am satisfied that the reasons shown for not considering the para teachers while counting the numbers of teaching staff of the school when the question of transfer of a teacher comes, is reasonable and valid.

From the report of the District Inspector of Schools affirmed on 31st July, 2023, I find that there was a typographical mistake as has been submitted by Mr. Gourav Das, learned advocate appearing for the State that in the first table at page 3 under the heading "Number of Assistant Teachers" instead of 5 it should be 6. I allow this amendment in the body of the report as this is only a typographical mistake.

In the school where the petitioner is working now, there are only 6 teachers including the Head Teacher. According to Right to Education Act, the pupil-teacher ratio should be 40:1 where number of

children is above 200. In the present school there are 201 students.

Therefore, if the petitioner is transferred at this stage, the ratio will not be in accordance with the rule framed under the aforementioned Act. Therefore, this application for transfer cannot be considered at this stage by this court. However, the petitioner shall have the liberty to take appropriate steps for his transfer, if the situation arises following the said rules as has been mentioned above, in future.

With the above observation, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)