

Item-31. 18-10-2023

MAT 1986 of 2023
CAN 1 of 2023

sg Ct. 8

Arup Kumbhakar
Versus
The State of West Bengal & Ors.

Mr. Chittapriya Ghsoh, Adv.
Mr. Dilip Kumar Sadhu, Adv.
Mr. Avik Kumar Das, Adv.
...for the appellant
MR. Bhaskar Prasad Vaisya, Adv.
Mr. Gourav Das, Adv.
Mr. Nilay Baran Mandal, Adv.
...for the DPSC Purulia
Mr. Shamim ul Bari, Adv.
Ms. Indrani Nandi, Adv.
...for the State

1. In view of the pupil-teacher ratio, the learned Single Judge declined to allow the application for transfer from his present school to another school with liberty to the petitioner to renew his prayer when the ratio would entitle him for seeking such transfer.
2. The report filed on behalf of the State shows that the school concerned is running with two regular teachers including the appellant and one para teacher against an enrolment of 81 students. In the event the transfer is allowed, the school would be left with one single regular teacher, which would be against the interest of Education Act, 2009.
3. Taking into consideration the paramount interest of the students, we decline to interfere with the order passed by the learned Single Judge.
4. It is submitted that the appellant is required for the treatment of his child who is suffering from neurological problems.
5. If the appellant is eligible for transfer on special reason, the

same may be considered and the authority shall try to replace the appointment depending upon the nature of the ailments of his child within a reasonable time without affecting interest of the students.

6. The impugned order is modified to the aforesaid extent.
7. The report filed on behalf of the State is taken on record.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)