

12.12.2023
SI No.27
Court No.8
(gc)

**MAT 2004 of 2023
CAN 1 of 2023**

**Chandan De
VS
The State of West Bengal & Ors.**

Mr. Shuvro Prokash Lahiri,
Ms. Tithi Mazumder,
Mr. Rajesh Naskar
...for the Appellant.

Mr. Gourav Das,
Ms. Rajyashree Mukherjee,
...for the State.

Mr. Ratul Biswas,
Mr. Koushik Chowdhury,
...for the Primary Board.

1. A mathematical error has resulted in an order refusing transfer of the teacher on the ground of pupil-teacher ratio does not permit such transfer.
2. Mr. Shuvro Prokash Lahiri, learned Advocate representing the appellant has drawn our attention to the letter dated 23rd September, 2023 from the teacher-in-charge of the school concerned and the portal of Ria Khatun wherefrom it appears that she has left the school and thereby the strength of the students in the school is 200 which entitles the petitioner to be considered for transfer.

3. In view of such change of circumstances, the application for transfer is required to be considered on the basis of the pupil-teacher ratio and in accordance with the relevant circulars.
4. We direct the Commissioner of School Education to take a decision on the transfer of the petitioner from his present school to another after taking into consideration the pupil-teacher ratio and all other circulars applicable to the case of the petitioner within a period of eight weeks from the date of communication of this order in accordance with law.
5. We make it clear that the Commissioner of School Education in deciding the matter shall not be influenced by our observation and shall strictly proceed on the basis of the record and relevant circulars as may be applicable.
6. The impugned order is modified to the aforesaid extent.
7. Accordingly, the appeal and the application stand disposed of.
8. However, there shall be no order as to costs.

9. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)