

MAT 2031 of 2023

with

I.A No. CAN 1 of 2023

Sandip Chatterjee

Vs.

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri

Ms. Tithi Mazumder

... For the Appellant

Mr. Biswabrata Basu Mallick

Mr. K.M. Hossain

... For the State

Mr. Sumit Kumar Roy

... For the Central School
Service Commission

1. We have heard the learned counsel appearing for the parties.

2. The appellant is aggrieved by the impugned order as it turned down the prayer of the petitioner/appellant for general transfer on special ground. The petitioner is in service from 2013 which is not in dispute and when he filed the application for general transfer, he is entitled to be considered for transfer on special ground as one of the grounds cited by him for long distance. If the rules permit him to make an application on the ground of long distance, the authority cannot deny such application merely on the ground of single subject teacher. However, the same time the authority is required to ensure that by reason of

such transfer the pupil-teacher ratio is not disturbed. It is expected that once the application is filed by the appellant, the authorities should take steps for replacement of the petitioner at the earliest, since the petitioner would be otherwise eligible under the relevant rules.

3. Considering the fact that the interest of the student is a paramount consideration, we dispose of the appeal by directing the authority concerned to consider the application strictly in accordance with law under the relevant rules of transfer, as applicable to the appellant and in the event it is found that the petitioner/appellant is eligible for transfer, a suitable replacement should be found out within a reasonable time. However, the process for such replacement should immediately commence once a decision is taken in favour of the appellant.

4. Since the Utsashree Portal is not presently functioning, we permit the appellant to file the application offline.

5. In the event, the appellant files an application, the District Inspector of Schools(S.E), Bankura, the respondent no. 4, shall consider the same within a period of four weeks from date after giving an opportunity of hearing to the appellant

and the school and shall dispose of by passing a reasoned order and communicate the reasoned order to the parties within one week thereafter.

6. As observed earlier, if the matter is decided in favour of the appellant, expeditious step should be taken for the replacement of the appellant.

7. With the above direction, the appeal being MAT 2031 of 2023 stands disposed of.

8. In view of disposal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2023 and the same is accordingly disposed of.

9. However, there shall be no order as to costs.

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

(Uday Kumar,J.)

(Soumen Sen, J.)

