

Item -		MAT 2056 of 2023
13.	13-12-2023	CAN 1 of 2023
		Haymabai Pan
		Versus
sg	Ct. 8	The State of West Bengal & Ors.

Mr. Biswajit Hazra, Adv.
Mr. Archisman Sain, Adv.
Mr. Sk. Nadeem Ahmed, Adv.
...for the appellant
Dr. Sutanu Kumar Patra, Adv.
Ms. Supriya Dubey, Adv.
...for WBCSSC
Mr. Supriyo Chattopadhyay, Ld. AGP
Ms. Iti Dutta, Adv.
...for the State

1. The appellant is an Assistant Teacher in the subject History at Mejia Girls High School (H.S.), District Bankura. Her application for general transfer was rejected for the second time on the ground that her rank in the preferred school is lower than the other candidates in the said school and also on the ground of pupil-teacher ratio of the school where the petitioner is now posted.
2. The learned Counsel for the appellant submits that in the event available vacancies in the nearby schools are shared with the writ petitioner, she would give her option for being considered by the authority concerned.
3. here is no dispute that she is eligible for general transfer. However, the ground for transfer appears to be genuine although it could not have been denied on the ground of single teacher. However, the ground is required to be balanced between the eligibility of the teacher for being considered for general transfer and the interest of the

students.

4. We permit the petitioner to file an offline application for general transfer since the Utsashree portal is presently suspended and the said application shall be considered by the Chairman, West Bengal Central School Service Commission in accordance with the relevant Rules as applicable to the applicant.
5. We make it clear that the single teacher could not be a ground for rejecting the application for transfer if the petitioner is otherwise eligible for transfer.
6. We find from the impugned order of WBCSSC that she could not be accommodated to the preferred schools since there are few candidates who are senior to the appellant and their applications for transfer are pending and could not be processed due to suspension of Utsashree portal.
7. This decision of the Chairman for the reason indicated in the order of the Chairman, is not being disturbed. However, any nearby schools or other schools where the vacancies are available, shall be shared with the petitioner at the time of consideration of her application for general transfer. The appellant and the school concerned shall be given an opportunity of hearing before a decision is taken.
8. We direct the Chairman, West Bengal Central School Service Commission, to take a decision in this regard within a period of four weeks from the date of communication of this order and in the event the prayer for transfer is allowed, all endeavour should be made to find out a suitable school for her within a period of six

months from the date of the order.

9. With the aforesaid directions, the impugned order dated 12th September, 2023 stands set aside. The appeal and the application are, accordingly, disposed of.
10. Urgent photostat certified copy of this order, if applied for, be supplied to be parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)