

13.12.2023
SI No.14
Court No.8
(gc)

**MAT 2061 of 2023
CAN 1 of 2023**

**Rupanjana Das
VS
The State of West Bengal & Ors.**

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

Mr. Sourav Mitra,
...for the W.B.C.S.S.C.

Mr. Supriyo Chattopadhyay, Ld. A.G.P.,
Ms. Iti Dutta
.....for the State.

1. The affidavit of service filed on behalf of the appellant is kept with the record.
2. The appeal and the application are taken up together and disposed of by this common order.
3. The appellant filed an application for transfer on the grounds of distance as well as under general transfer on special grounds for the serious medical reason of his spouse.
4. The application was processed through the portal designated. It appears that the Head of the Institution forwarded the said application with the remarks 'only one teacher in mathematics from V to XII (SC). Transfer may be issued as per rules' and the same was forwarded by the concerned

DI of Schools (SE) concerned to the School Service Commission and since then the same is pending.

5. However, it appears that the writ petition was dismissed on the ground of single subject teacher which has been assailed in this appeal.
6. Similar issue has already been decided by us in **MAT 754 of 2022 (Pijush Kanti Das versus The State of West Bengal and Ors.)** wherein we have observed that a single teacher may not be ground to deny transfer if the petitioner is able to fulfill the other conditions. There may be various circumstances which could be exceptional for considering the case of transfer of a teacher, namely, long distance, medical ground, and family issues to refer to a few.
7. Under such circumstances, we set aside the order passed by the Learned Single Judge. Since the application is pending before the West Bengal Central School Commission, we direct the concerned Commissioner to act upon the pending transfer application of the petitioner through offline mode as the online portal is temporarily suspended and take necessary steps for consideration of the transfer

application of the petitioner in accordance with the transfer rules and amendments made thereon within six weeks from date of communication of this order.

8. In case the petitioner is found eligible under the law for transfer he shall be given an opportunity of being heard in respect of available suitable vacancies.
9. The interest of the students and the school are of paramount importance. The authorities must find a suitable replacement of the teacher if the transfer application is allowed within a reasonable period of time not exceeding six months from the date of decision on transfer.
10. Accordingly, the appeal and the application are disposed of.
11. However, there shall be no order as to cost.
12. Urgent Photostat certified copies of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)