

13.12.2023
SI No.15
Court No.8
(gc)

**MAT 2081 of 2023
CAN 1 of 2023**

**Sathi Maitra
VS
The State of West Bengal & Ors.**

Mr. Bidhayak Lahiri
Ms. Bhaaswati lahiri,
...for the Appellant.
Mr. Avishek Prasad,
...for the State.
Dr. Sutanu Kr. Patra,
Ms. Supriya Dubey,
...for the W.B.C.S.S.C.

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 two-fold ground, namely, her serious illness and distance.
4. The application was processed through the portal designated. It appears that the learned Single Judge did not accept the prayer of the appellant for transfer on the ground of the appellant is the sole history teacher of the said school as the point taken by the state respondent and the medical reports annexed to the petition did

not inspire the confidence of the learned Single Judge.

5. However, it appears that the state respondent has taken the point of single teacher and it is one of the grounds to reject the petition. It is now well- settled in ***MAT 754 of 2022 (Pijush Kanti Das Vs. The State of West Bengal & Ors.)*** and ***MAT 1433 of 2022 (Kumares Ghosh Vs. State of West Bengal & others)*** that a single teacher may not be the ground to deny the transfer if the petitioner is able to fulfil other conditions. The state is yet to frame a proper guide line to the effect. 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.
6. Under such circumstances, we set aside the order passed by the learned Single Judge and we direct the District Inspector of Schools (S.E.) Murshidabad shall disclose the vacancies with an option to the writ petitioner to choose her desirable school within two weeks from date and the writ petitioner shall exercise her option within two weeks from the date of

communication of such vacancies and on the basis of the option to be exercised, the D.I. shall process the same and forward it to the West Bengal Central School Service Commission for recommendation to the West Bengal Board of Secondary Education in order to enable the Board to issue the transfer order, provided the appellant is otherwise eligible for transfer under the relevant rules.

7. The entire process shall be completed within a reasonable time not exceeding a period of six months from date of recommendation without disturbing the academic interest of the student.
8. Accordingly, the appeal and the application are 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.)