

13.12.2023
SI No.18
Court No.8
(gc)

**MAT 2108 of 2023
CAN 1 of 2023**

**Tripti Biswas
VS
The State of West Bengal & Ors.**

Mr. Shuvro Prokash Lahiri,
Ms. Tithi Mazumder,
Mr. Rajesh Naskar,
...for the Appellant.
Mr. Shamim ul Bari,
Mrs. Tanuja Basak,
...for the State.
Mr. Sourav Mitra,
...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 the grounds of distance as well as on medical ground under general transfer on special grounds.
4. The application was processed through the portal designated. It appears that the Concerned DI of Schools (SE) requested the Head of the Institution to follow strictly the order of the Commissioner of School Education (CSE), WB vide Memo No.9-SE dated 03.01.2022 and also requested the

School Managing Committee (SMC) to inform the concerned DI of Schools (SE) before sending the application to DI's end for local arrangement on temporary basis and not to reject the application.

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. That the similar issue has already been decided by us in **MAT 754 of 2022 (Pijush Kanti Das Vs. 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 and direct the concerned DI of Schools (SE), North 24 Parganas to act upon the 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 and upon finding the petitioner eligible for transfer forward the application towards the end of the West Bengal Central School Service Commission for issuance of recommendation in accordance with law. The whole exercise should be completed within six weeks from date of communication of this order.

8. In case the petitioner is found eligible under the law for transfer she shall be given an opportunity of hearing for offering suitable vacancies available.
9. That the interest of the students and the school are of paramount importance for which suitable replacement of teacher be made upon granting transfer strictly following the relevant rules and notifications within a reasonable period of time.
10. Accordingly, the appeal and the application are disposed of.
11. However, there shall be no order as to cost.

12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual under taking.

(Uday Kumar, J.)

(Soumen Sen, J.)