

Item - 23.	13-12-2023	MAT 2259 of 2023 CAN 1 of 2023
sg	Ct. 8	Sourav Bhattacharjee Versus The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya, Adv.
Mr. Aninda Bhattacharya, Adv.
...for the petitioner
Dr. Sutanu Kumar Patra, Adv.
Mr. Sunil Kumar Roy, Adv.
...for the WBCSSC
Ms. Koyeli Bhattacharyya, Adv.
...for the WBBSe
Mr. Suprita Chattopadhyay, Adv.
Mr. Arindam Ghosh, Adv.
...for the State

1. The appellant is aggrieved by the order dated 19th September, 2023 for which the learned Single Judge has refused to interfere with the decision of the School authority in not issuing 'no objection' certificate required for transfer.
2. The learned counsel for the petitioner submits that the petitioner is suffering from serious ailments and he is entitled for transfer under the relevant Rules including the Circular dated 22nd September, 2021.
3. In view of the submission made by the petitioner that he has worked for 11 years and there are sanctioned posts which have not been filled up by the authorities concerned, we permit the petitioner to file an application for transfer offline to the Commissioner of School Education within a period of seven days from date.
4. The Commissioner shall take a decision with regard to the said application after hearing the school and the petitioner

and also taking into consideration the pupil-teacher ratio.

In the event the petitioner is found to be a single teacher, and the Commissioner is satisfied that the petitioner is eligible for transfer, shall take expeditious steps for his replacement in the school within a period of six months from the date of taking a decision in this regard.

5. We permit the Commissioner of School Education to dispose of the representation, if filed, in terms of this order within a period of four weeks from the date of filing the said application.
6. It is needless to mention that the application for transfer shall be considered in accordance with the relevant Rules and guidelines as applicable to the petitioner. Merely because of the fact that the application would be made offline, should not be a ground to reject the application.
7. With the aforesaid observations, the appeal and the application are disposed of.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)