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26.07.
2023
Ct. No.17

WPA 27165 of 2022

**Jiyaul Hossain
Vs
The State of W. B. & Ors.**

**Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome
Ms. Sampriti Saha
.....For the Petitioner
Mr. Ranjan Saha
.....For the DPSC, Jhargram
Mr. Benazir Ahmed
.....For the State
Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury
.....For the WBBPE**

It appears from the report of the Inspector of Schools (Primary Education), Jhargram that the school where the petitioner is working has 47 students and two teachers including the petitioner. Therefore, if the petitioner is transferred now, one teacher will not be able to run the school. At this stage no order is being passed for transfer of the petitioner.

However, learned advocate for the petitioner has drawn my attention to pages 30 and 31 stating that there is one note as to

surplusage of the teacher in the said school.

Learned advocate for the DPSC has submitted that these documents are in respect of the last academic year which is prima facie correct as appears from the document itself at page 30 that the application was filed in the month of April, 2022.

However, the petitioner shall have the liberty to file fresh application for transfer when the pupil teacher ratio will be appropriate in accordance with the Right of Children to Free and Compulsory Education (RTE) Act, 2009.

With this observation and direction this writ application is disposed of.

The report given by the District Inspector of Schools (P. E.), Jhargram dated 14.06.2023 is kept on record.

(Abhijit Gangopadhyay, J.)

