

08.12.2023

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WPA 27228 of 2023

Mosammath Rajina
Vs.
The State of West Bengal & Ors.

Ms. Usha Maiti
Mr. Sakya Maity
... For the petitioner.

Mr. Pulak Ranjan Mandal
Ms. Bandana Mandal
... For WBCSC.

Mr. Arka Kumar Nag
... For the State.

On earlier occasion, the petitioner sought her transfer to Chhatna Chandidas Mahavidyalaya, Bankura from her present posting at Pakuahat Degree College, Malda. The petitioner is presently working as an Assistant Professor in the Sociology Department.

This Court directed the Director of Public Instruction, West Bengal to consider the prayer of the writ petitioner in a time bound manner.

In compliance with the said order dated September 18, 2023, the case of the petitioner was considered by the Director of Public Instruction and by an order dated November 23, 2023, and her prayer was rejected.

It appears from the said order impugned that the prayer for transfer was rejected on the following grounds.

“The petitioner mentioned that she did not complete 5 years’ service but she is facing some problem with the child.

However, the petitioner has attended counselling and has chosen the college voluntarily. Out of two substantive teachers in Sociology at Pakuahat Degree College, Malda both teachers have applied for General Transfer. The other Assistant Professor of Sociology, Amrita Middey who is senior to the petitioner and also a cancer patient also made representation to the Education Directorate, West Bengal. The President of the Governing Body of the college allowed “NOC” for both the Assistant Professor of Sociology of Pakuahat Degree College, Malda for seeking General Transfer.

Considering that there are only two sanctioned posts and both of them, if transferred to other colleges on own seeking transfer, the immediate void in the academic atmosphere in teaching of Sociology subject would impede the teaching – learning process. As the college is located at Pakuahat under Malda District with high number of students from rural areas, shifting of teachers without any immediate substitute will create imbalance in teaching learning process. Large sector of students will face the problem. If the petitioner had applied for Mutual Transfer as per the provision of West Bengal Colleges (Transfer of Employees) Rules, 2017 vide Para 7 of this notification, then the question of immediate void in the substantive post and in the teaching learning process would not arise because the post would not be vacant due to transfer.

Moreover, in the writ petition, the petitioner (OBC-A) mentioned that in her transfer prayer she opted for Chatna Chandidas MV, Bankura where one

vacancy in Sociology presently exists which is reserved for SC in ROA.

The petitioner mentioned in Para 5 of this Writ petition that she came to know by mail on 13.12.2021 from the College authority of Chatna Chandidas MV, Bankura that the requisition for filling up of the vacant post of Sociology which has been requested for desired transfer by the petitioner, has already been submitted by the college authority to the West Bengal College Service Commission. The Principal of the Chatna Chandidas MV, Bankura has submitted that they have already submitted their requisition to the West Bengal College Service Commission for filling up the post of Sociology of SC Category. The petitioner now mentioned that she came to know that a post of Sociology is also vacant at Hijli College, West Midnapur and the Principal reported that the college authority has also submitted requisition for filling up of vacant post of Sociology to the West Bengal College Service Commission. In Hijli College, West Midnapur, the total students is only 55 and there are 1 full time teacher and 4 SACT teachers in Sociology. Hence, the Teacher Pupil Ratio is 1:11.

Considering that there are only two sanctioned posts and both of them, if transferred to other colleges on own seeking transfer, the immediate void in the academic atmosphere in Sociology teaching subject will impede the teaching-learning process. The college is located at Pakuahat under Malda District with high number of rural students: hence shifting of teachers without any immediate substitute will create imbalance in teaching learning process. Large sector of students will face problem.

Moreover, the Teacher Pupil ratio at Pakuahat Degree college is 1:46 whereas at Chatna Chandidas MV, Bankura where the petitioner opted for transfer, the Teacher Pupil ratio is 1:37. For the academic interest of the college, the teacher students ratio should be taken into consideration and it is found that the Teacher Student Ratio in opted college at Chatna Chandidas MV is lesser (1:37) than the existing college (1:46) where the petitioner currently teaches. In another college, Hijli College, West Midnapur, mentioned by the petitioner as an alternative option for transfer, the Teacher Pupil Ratio is less i.e 1:11.

It is needful to be mentioned that for the academic interest of the students, it is not advisable to reduce the number of teachers in the existing college where the number of existing students are much higher than the opted colleges.

Under the circumstances, on consideration of the above situation, Education Directorate is not in a position to consider the prayer of petitioner to her desired college opted for transfer.”

I do not see any reason to interfere with the order dated November 23, 2023, since the reasons for rejection are well founded.

Accordingly, **WPA 27228 of 2023** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)