

Sl No.15
09.03.2023.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 514 of 2023
Manoj Adhikary @ Adhikari
-versus
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Mr. Anirban Banerjee
... for the petitioner.

The petitioner is aggrieved by the action of the school authority in returning the application of the petitioner seeking transfer on the ground of insufficient teaching and non-teaching strength.

It has been contended that the same is contrary to the notification published by the School Education Department, Secondary Branch on January 3, 2022.

The aforesaid notification mentions that in the event a single subject teacher makes application for transfer, the School Managing Committee will not reject the application and will inform the District Inspector of Schools (S.E.) about such application. The said District Inspector of Schools will immediately discuss the matter with the Commissioner of School Education. In a fit case the District Inspector of Schools will take urgent steps in time bound manner to search for a teacher on the same subject from the nearby school and make local arrangement so that the teacher of the other school attends the school wherefrom the teacher concerned has applied for transfer.

The aforesaid notification clearly mentions that the School Managing Committee does not have the

authority to reject the application seeking transfer on the ground as mentioned.

In view of the above, the present writ petition is disposed of by directing the School Managing Committee to forward the application of the petitioner seeking transfer to the District Inspector of Schools. The said District Inspector of Schools will take necessary steps in accordance with the notification dated January 3, 2022.

As presently the online portal of the education department has been suspended, accordingly, the school shall take steps in the offline mode. The school shall forward all the documents to the District Inspector of Schools positively within two weeks from the date of communication of this order.

The concerned District Inspector of Schools shall act in accordance with law and in accordance with the subject notification and conclude the process of transfer positively within a further period of two weeks from the date of receipt of all the documents from the school authority.

The writ petition stands disposed of.

Supplementary affidavit filed in Court today is taken on record.

Urgent certified photo copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

Sh

(Amrita Sinha, J.)