

SI No.48
02.03.2023.
SB-II

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

**WPA 515 of 2023
Swagata Singha
-versus
The State of West Bengal & Ors.**

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

Mr. Subir Kumar Saha, Id. AGP
Mr. Momenur Rahman
... for the State.

The petitioner seeks transfer. She is a teacher of a junior school.

She applied for general transfer in the Utsasree Portal on her medical ground. Her application was returned back by the head of the institution.

The petitioner is aggrieved by the same.

It has been submitted that the same is impermissible in view of the notification dated January 3, 2022 passed by the School Education Department, Government of West Bengal. The said 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 about such application. The District Inspector of Schools will discuss the matter with the Director of School Education and take necessary steps.

In the present case the application for transfer of the petitioner was turned down by the head of the institution. The same is contrary to the notification of the State.

It has been asserted by the learned advocate for the petitioner that the petitioner happens to be the single subject teacher in the school she is teaching.

None appears on behalf of the school.

Affidavit-of-service filed in Court today is taken on record.

Apparently it appears from the Notification No. 09-SE/SE/S/1S-04/95(Part-III) dated January 3, 2022 that the school managing committee does not have the authority to reject the application of the petitioner for transfer. The school is required to intimate the District Inspector of Schools about such application.

The same has not been done. On the contrary, the prayer of the petitioner has been turned down at the very first stage.

In view of the above, the instant writ petition is disposed of by directing the respondent nos. 6 & 7 to forward the application for transfer submitted by the petitioner to the District Inspector of Schools (S.E.), Cooch Behar for taking necessary steps in the matter.

It has been submitted by the petitioner that the Utsasree Portal has been suspended by the State and the suspension is effective till June 30, 2023.

As the application of the petitioner appears to have been erroneously turned down by the school managing committee, accordingly, the school managing committee

is directed to forward the application directly to the District Inspector of Schools (S.E.), Cooch Behar without the requirement of routing the same through the Utsasree Portal.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)