

November 22, 2023
Sl. No. 8
Court No.2
srm/s.biswas

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

WPA 2483 of 2023

Gopa Chatterjee

vs.

The State of West Bengal and others

Mr. S. P. Lahiri

Mr. Debajit Kundu

... for the petitioner

Mr. Momenur Rahman

Ms. Badashruti Bose

... for the State

Mr. Bikramaditya Ghosh

... for the SSC

Affidavit of service filed by the petitioner is taken on record.

The petitioner prays for general transfer on special ground of distance between her permanent residence and the school to which she is attached and also on account of the treatment she has to undertake on account of retinal detachment. The petitioner seeks transfer to a school at Kolkata as the petitioner is finding it difficult to discharge her duties at Mekhligunj, Coochbehar where she lives alone with her daughter. The petitioner is required to travel to Kolkata to undergo treatment for the her retinal detachment on a regular basis, it is emphasized.

The petitioner submits that she could not apply through the Utsashree portal seeking

transfer as she has not completed five years of service. A Hon'ble Division Bench has clarified that Rule 4 of the 2015 rules would be nugatory in case the authorities insisted that a teacher must complete five years of service before praying for general transfer on special grounds.

Thus, although the petitioner may not have completed five years of service as yet, the petitioner under Rule 4 of the said rules was eligible to apply for transfer on special grounds in accordance with rules and the guidelines. The petitioner approached the authorities by filing application, but the authorities have not taken any steps.

It is further contended that subsequent amendment allowed transfer on special grounds for other reasons apart from those mentioned in the 2015 rules.

Having heard the learned advocate for the petitioner, this court is of the view that the petitioner shall file a complete application for transfer with relevant documents before the Managing Committee of the said school for transfer on special grounds. The Managing Committee shall proceed with the said application strictly in accordance with the rules. As the

Utsashree portal has been suspended, the petitioner will file such application before the committee physically and the authority will proceed in accordance with law in the off line mode.

If the petitioner is found eligible, the entire exercise shall be completed by the competent authorities within a period of three months and necessary order shall be issued.

If the authorities find the petitioner ineligible, the reason shall also be communicated within three months.

The vacancy position will be shown to the petitioner in case she is found eligible for transfer.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)