

Item No.12
22.11.2023
Court. No. 2`
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

W.P.A. 2487 of 2023

Nabadweep Roy
VS
The State of West Bengal & Ors.

*Mr. S.P. Lahiri,
Mr. Debajit Kundu*

...for the Petitioner.

*Mr. Momenur Rahman
Mr. Pretom Das*

...for the State.

Mr. Bikramaditya Ghosh

...for the SSC.

Affidavit-of-service filed in Court today, be kept with the record.

According to the petitioner, the original application for transfer was returned on the ground that the petitioner is a single subject teacher. The school managing committee did not forward the application to the appropriate authority in terms of the notification dated January 3, 2022 bearing Memo No.09-SE SE/S/Is-04/95 (Pt III).

According to the petitioner, the managing committee of the school ought to have forwarded the case of the petitioner to the District Inspector of Schools, Secondary Education and the District Inspector of Schools, Secondary Education was required to make an

alternative arrangement by engaging a teacher from a nearby school to teach the subject on a temporary basis in the school from which the transfer application was made by the petitioner till a permanent teacher was appointed. The District Inspector of Schools, Secondary Education was also required to intimate such arrangement to the Commissioner of School Education and thereafter the matter was to be processed in accordance with the rules of transfer.

The writ petition is disposed of with a direction of the school managing committee to forward the application of the petitioner to the District Inspector of Schools, Secondary Education, Alipurduar through offline mode as the Utshasree portal has been kept suspended. The District Inspector of Schools, Secondary Education shall continue with the process in terms of the circular dated January 3, 2022 through the offline mode and thereafter the case of the petitioner for transfer shall be considered strictly in accordance with the rules. If the petitioner is found eligible, necessary orders shall be passed by the appropriate authority within a period of four months from the date of communication of this order. If any of the authorities in the process finds the petitioner ineligible, necessary communication shall be made to the petitioner.

In case the petitioner's application for transfer is considered favourably, the petitioner shall be shown the

vacancy position for exercising option for the particular school.

Accordingly, the writ petition is disposed of.

However, there shall be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)