

24.11.2023
Sl. No.15
srm

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

W.P.A. No. 2605 of 2023

Sanghamitra Guha Neogi

Vs.

The State of West Bengal & Ors.

Mr. Sakit Pada Jana,
Mr. Debojit Kundu

....for the Petitioner.

Mr. Hirak Barman,
Mr. Anirban Banerjee

.....for State-respondents.

Affidavit-of-service is taken on record.

The petitioner has been serving as a para teacher in the upper primary section of Khierkote High School (H.S.), District Alipurduar. The petitioner resides at Siliguri. The petitioner has to travel from Siliguri to Alipurduar, almost 100 kms., leaving behind her minor son. The petitioner claims to be suffering from gynaecological disorder, which has made her travel to Alipurduar difficult.

The petitioner prays for transfer to any other school under the Sarba Siksha Mission in the same capacity, within the jurisdiction of Siliguri.

This Court is unable to pass any mandatory direction as the petitioner has not been able to satisfy this court that the terms and conditions of service allow such transfer of para teachers. There are admittedly no rules in place. However, the petitioner relies on certain orders passed in other cases, permitting such transfer. On grounds of illness and other inconveniences, para teachers have been transferred to primary and upper primary schools beyond the jurisdiction of the school in which they were originally engaged.

It appears that the petitioner had approached the District Education Officer, Sarba Siksha Mission, Jalpaiguri.

This Court is of the view, that if the petitioner seeks transfer from one district to another district under the Sarba Siksha Mission, the petitioner should approach the State Project Director, Paschim Banga Sarva Shiksha Mission for a sympathetic consideration on the grounds mentioned in the writ petition. Petitioner can place reliance on earlier instances of similarly situated para teachers who have allegedly been transferred.

The petitioner is granted liberty to approach the State Project Director, Paschim Banga Sarva Shiksha Mission in this regard. The authority is requested to consider the case on the basis of the contentions of the petitioner in accordance with law and pass a reasoned order. The order shall be communicated to the petitioner.

The entire exercise shall be completed within a period of three months from the date of receipt of the petitioner's representation.

This order shall not be construed as a decision on merits of the petitioner's case.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)