

29.11.2023  
Sl. No.7  
srm

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

W.P.A. No. 2714 of 2023

Jamiul Ali

Versus

The State of West Bengal & Ors.

Mr. Sarwar Jahan,  
Mr. Deborshi Dhar

....for the Petitioner.

Mr. Hirak Barman,  
Mr. Sourav Sarkar

.....for State-respondents.

Mr. Bikramaditya Ghosh

...for the SSC.

Affidavit-of-service is taken on record.

It appears that there was already an order of a learned coordinate Bench of this Court directing the District Inspector of Schools (Secondary Education), Cooch Behar, to consider the scope of transfer of the petitioner from Mekhliganj to Dinhata upon exploring the possibility of making an alternative arrangement by deputing a teacher in the same subject, i.e., physical science, as the petitioner was a single subject teacher in Dhairjya Narayan High School (H.S.), Cooch Behar. It also

appears that the Commissioner of School Education, West Bengal was directed to follow up the matter so that the prayer of the petitioner for transfer could be decided within 60 days from communication of the order passed in WPA 608 of 2022.

The District Inspector of Schools (Secondary Education), Cooch Behar informed the Commissioner that a notice inviting proposals from willing teachers had been issued, so that the petitioner's case could be considered positively. However, the District Inspector of Schools also informed the Commissioner, that no alternative arrangement could be made by deputing a teacher in the same subject from a nearby school to take those classes which were taken by the petitioner, before the petitioner's case for transfer could be approved.

The matter is still unresolved and the petitioner prays for reconsideration of the case with specific directions upon the District Inspector of Schools (Secondary Education), Cooch Behar and the Chairman West Bengal School Service Commission.

The government has come up with a policy that the prayer for transfer of a single subject teacher in a school, should not be rejected outright. The District Inspector of Schools was required to make an alternative arrangement,

by deputing a teacher from a nearby school to take some classes in the school from which the petitioner applied for transfer, so that the normal curriculum would not be hampered and until the permanent alternative arrangement could be made.

This Court notices that the petitioner has been trying for a transfer since long and has to travel 131 kms. each way, by availing of different modes of transport and by breaking the journey at six points.

The writ petition is disposed of with a direction upon the District Inspector of Schools (Secondary Education), Cooch Behar to treat the writ petition as a representation of the petitioner and mandatorily take a decision within a period of four weeks from the date of communication of this order in terms of notifications dated September 22, 2021 and January 3, 2022. The District Inspector of Schools shall then forward the matter to the West Bengal Central School Service Commission and the Commission shall pass necessary orders as required by law.

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.)**