

04.03.2024
Sl. No.47
Suman
Ct.No.238.

WPA 778 of 2024

Jayita Chattapadhyay
Vs.
The State of West Bengal and Ors.

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. B. Karim
Ms. Indrani Roy
Ms. Priyanka Pal
Ms. Sriparna Dutta
..for the petitioner

Mr. Supriyo Chattopadhyay
Ms. Tapati Samanta
..For the State

Mr. Subhrangsu Panda
Ms. Mithu Sinha Mahapatra
..for respondent nos. 6 & 7.

By filing this writ petition, the petitioner has
prayed for her transfer at Murlidhar Girls' College,
Kolkata from Agrasen College, Uttar Dinajpur.

The relevant part of the report filed by the State
in this matter is quoted below:-

“8. As per record there is only one substantive sanctioned post in Sociology Department at Sree Agrasen College, Uttar Dinajpur, in substantive post. Petitioner is the sole Substantive teacher in Sociology. Apart from her, there is only one State Aided College

Teacher (SACT) teaches Sociology. In the said College, there are 12 students studying Sociology as a Major/Honours subject and 125 students in Programme courses at present. Total students' strength is 137. The Teacher Student Ratio in this college is 1:67. If the petitioner's prayer for transfer is allowed, there will be no Substantive teacher at Sree Agrasen College, Uttar Dinajpur and the Teacher Student Ratio will be 1:137.

9. At Muralidhar Girls College, Kolkata, where the petitioner opted for transfer, the Teacher-Pupil ratio is 1:79 with 2 substantive full time teaching posts with on vacancy which arose on 01.01.2024 after the submission of the application of the petitioner for General Transfer on 28.12.2023.

10. It is most humbly and respectfully submitted that according to Rule 2 of the West Bengal Colleges (Transfer of Employees) Rules, 2017, transfer cannot be claimed as a matter of right and the grant of transfer is subject to the larger interest of maintaining a healthy and efficient education system. It is submitted further that some factors, such as availability of vacant post, teacher-pupil ratio, demand for a particular subject etc. will determine whether a particular application for transfer by an employee can be accommodated or not. Copy of the Transfer Rules, 2017 is annexed herewith and marked as "R-1".

11. It is most humbly submitted that if the petitioner applied for Mutual Transfer under Rule 7 of the said Rules of 2017, then the vacancy in the substantive post in Sree Agrasen College would not arise and the teacher-pupil ratio will also not hamper."

I do not find any arbitrariness or irrationality in the stand as disclosed in the report filed by the State. Therefore, this writ petition is not entertained. This, however, will not preclude the petitioner from seeking mutual transfer in terms of the applicable rules.

Accordingly, **WPA 778 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)