

30.07.2024
Court No. 18
Item No. 386 (ML)
(**Suvendu**)

WPA 1332 of 2023

Tridib Kar
-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra

....for the petitioner

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

.....for the WBCSSC

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Matter relates to transfer of the petitioner
on the ground of his wife's ailment and in this
regard reliance is placed at page 21 of the writ
petition in order to contend that transfer
application of the petitioner was forwarded by the
concerned school authority and subsequently
concerned District Inspector of Schools forwarded
the same to the West Bengal Central School Service
Commission for taking decision.

However, it has been submitted that the
concerned District Inspector of Schools wrongly
endorsed that petitioner is a single teacher in the

subject in the school in consideration of the fact that petitioner made application for transfer on medical ground, therefore, bar relating to single teacher in the subject does not apply in the present case.

It has been submitted on behalf of the Commission that perhaps due to suspension of Utshasree portal with effect from 29th September, 2022 contemporaneous decision on transfer application of the petitioner could not be taken. However, it is also submitted on behalf of the Commission that in the event direction is given upon the Commission appropriate steps shall be taken in accordance with law.

Having considered the submissions made on behalf of the parties, the writ petition is disposed of by directing the Chairman, West Bengal Central School Service Commission being the respondent no. 3 to decide the transfer application of the petitioner by four weeks from the date of communication of this order and the decision to be taken by the respondent no.3 shall be communicated to the petitioner by one week thereafter.

However, it is made clear that transfer application of the petitioner shall not be rejected

first on the ground of suspension of Utshasree portal and secondly since it has been decided by this Court on several other matters that bar relating to single teacher in the subject is not applicable in the matter of transfer on medical ground as it has been provided under amended Rules 6(2)(c) and 6(2)(e) as contained in the notification dated 8th September, 2021.

It is also made clear that it will be open to the Commission to consider the other aspect of the matter in accordance with law while taking decision on the transfer application of the petitioner.

With the above observations and direction, writ petition stands disposed of.

There shall be, however, no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)