

05.09.2024
Sl. No. M/L.127
g.b.
Court No.18

W.P.A. 2133 of 2023

Prabir Kumar Debnath
-Vs-
The State of W. B. & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Mr. Afrin Nahar Mondal
... for the petitioner
Ms. Sanghamitra Nandy
.....For the State
Mr. Sunit Kumar Roy
.....For the SSC
Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
.....For the WBBSE

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

Matter relates to general transfer of the petitioner on the ground of distance in between the present school and his place of residence.

Learned advocate for the petitioner submits that the transfer application was made on Utsashree Portal on 29th July, 2022 and the same was processed by the school authority where the petitioner is presently serving and thereafter was forwarded to the concerned District Inspector of Schools (S.E.).

The grievance of the petitioner is that the concerned District Inspector of Schools (S.E.) received the transfer application of the petitioner far back on 30th August, 2022 but no steps have been taken till date which would facilitate transfer of the petitioner. It is contended that petitioner is neither a single teacher in the subject in the school nor embargo relating to 10% of the existing teaching strength of the school as contemplated under

Rule 5(6) of the Transfer Rules of 2015 as amended from time to time operates as bars relating to transfer of the petitioner. Petitioner prays for necessary direction upon the concerned District Inspector of Schools (S.E.), Uttar Dinajpur for taking necessary steps for his transfer.

Respondents are represented by learned advocates. It is submitted on behalf of the State respondents that if direction is given upon the respondent no.4, appropriate steps shall be taken on the transfer application of the petitioner.

Having considered the submissions made on behalf of the parties writ petition stands disposed of directing the respondent no.4 to forward the transfer application of the petitioner upon compliance of necessary formalities to the West Bengal Central School Service Commission for taking final decision provided petitioner is not a single teacher in the subject in the school and restrictions relating to 10% of the existing teaching strength of the school does not apply in case of transfer of the petitioner. The aforesaid exercise shall be completed by the respondent no.4 by four weeks from the date of communication of this order.

If transfer application of the petitioner is forwarded to the West Bengal Central School Service Commission, same shall be decided in accordance with law within a reasonable time and suspension of Utsashree Portal shall not stand in the way in taking decision relating to transfer of the petitioner.

There shall be no order as to costs.

Urgent xerox certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Saugata Bhattacharyya, J.)