

ML 25
03.07.2024
Ct. No. 18
adeb

W.P.A. 3766 of 2022

Amitava Pal
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Mr. Suman Chakraborty
...for the petitioner

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the WBCSSC

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
...for the State

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

The writ petition is heard in presence of the learned advocates representing the petitioner, State-respondents and the West Bengal Central School Service Commission.

The petitioner has prayed for general transfer on the ground of distance in between his present school and place of residence. An application for transfer was made on 18th August, 2021 but the same could not be processed and allowed by the authority as the petitioner was found to be single teacher in the subject in the concerned school.

The learned advocate for the petitioner has relied upon the notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal,

School Education Department wherein it has been provided that the concerned District Inspector of Schools (SE) is required to make alternative arrangement in a fit case which would facilitate transfer of the petitioner to another school.

The learned advocates representing the State as well as the Commission have jointly submitted that the Utsashree Portal was suspended with effect from 29th November, 2022 therefore the authorities are finding it difficult to process the transfer application of the petitioner in addition to the fact that petitioner is a single teacher. It is also submitted that if alternative arrangement is made by the District Inspector of Schools in terms of the aforesaid notification dated 3rd January, 2022 in that event transfer application of the petitioner can be decided in accordance with law.

Having considered the submissions made on behalf of the parties the writ petition stands disposed of directing the District Inspector of Schools (SE), Purba Medinipur being the respondent no. 3 to make an endeavour to ensure local arrangement in the school of the petitioner on finding a willing teacher from a neighboring school who will take the classes in the subject of the petitioner till the resultant vacancy which is to be created on transfer of the petitioner is filled up on substantive basis provided it is found by the respondent no. 3 that it is a fit case for taking such steps.

If local arrangement is made by the respondent no. 3 consequential steps shall be taken by the concerned respondent authorities for taking final decision on the transfer application of the petitioner within a reasonable time thereafter.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)