

20 27.09.2024
rkd Ct.18

W.P.A. 6607 of 2023

Smritikana Sarkar

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra

....for the petitioner.

Mr. Sourav Mitra

....for the WBCSSC.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

...for the WBBSE.

Mr. Supriyo Chattopadhyay,
Ms. Sayantanee Bhattacharjee

....for the State.

Pursuant to the order dated 6th September, 2024 a report has been filed by the District Inspector of Schools (SE), Bankura dated 23rd September, 2024 and the same is taken on record.

From the report of the District Inspector of Schools (SE), Bankura being respondent no.4 it appears at present there are six teachers working in the school which is a high school having six units from Class V to Class X.

It is stated in the report that in the academic session of 2024 the total roll strength of the said school is 92. From the staff pattern annexed to the report it appears that the petitioner is a single teacher in Social Science Group.

It is submitted on behalf of the respondent

no.4 that since there are six units and at present six teachers are working in the school and petitioner is a single teacher in Social Science Group, in spite of forwarding transfer application by the school authority respondent no.4 could not take steps on the said transfer application of the petitioner. It is also submitted that petitioner has sought transfer on the ground of distance.

It is submitted by the learned advocate representing the petitioner that considering the facts of the case notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department is applicable and in the event local arrangement is made in the school of the petitioner she may be permitted to take transfer.

Having considered the respective submissions made on behalf of the parties the writ petition stands disposed of directing the respondent no.4 to make an endeavour to find out a willing teacher of neighbouring school who can man the post of the petitioner temporarily till regular incumbent joins the resultant vacancy after transfer of the petitioner.

If willing teacher is found and if according to the respondent no.4 it is adjudged as "fit case" in

terms of the notification dated 3rd January, 2022, petitioner shall be transferred to another school based on her transfer application.

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.)