

04-03-2024
ct no. 13
Sl. 132
sp

WPA 7752 of 2023
Probir Biswas
-Versus-

The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee,
Mr. Arghya Kamal Das,
Mr. Samrat Banerjee

..for the petitioners

Ms. Tapati Samanta

....for the State

Mr. Bhaskar Prasad Vaisya,
Mr. Gourav Das,
Mr. Pinaki Bhattacharyya

...for the DPSC, North 24 Pgs.

Mr. Ratul Biswas

...for the WBBPE

1. Petitioner seeks transfer as an Assistant Primary School Teacher from Kuleswar Krishnapur F.P. School, Usthi, South 24 Parganas to any other primary school under the Sub-Inspector of Schools (Primary), Mograhat South Circle in the District of North 24 Parganas.
2. Counsel for the petitioner submits that the petitioner has been brutally assaulted for refusing to pay the extortion money. An FIR has been registered under Sections 341/325/308 read with Section

34 of the IPC on March 17, 2023 by the Usthi Police Station. The petitioner has sustained grievous injury on his body as a consequence of the assault. He claims that he is under threat of being assaulted again and also fear for his life.

3. It appears that the accused persons have been arrested and criminal proceedings have been drawn up against them.
4. The Officer-in-Charge, Usthi Police Station is directed to complete investigation into the subject FIR being No. 114 of 2023 dated March 7, 2023 as expeditiously as possible, preferably within a period of one month from date, if not already completed.
5. While this Court notes with sadness of the brutal incident to which the petitioner has been subjected to, the same by itself cannot be a ground for transferring the petitioner.
6. The D.I. of Schools (Primary), South 24 Parganas has submitted a report in the form of affidavit, which is taken on record.
7. It appears that the pupil teacher ratio in the school is very low. While a new

teacher has joined the school, an existing teacher has died.

8. In that view of the matter, in the event of any further incident of threat and assault, the petitioner may register a complaint with the local police station and shall be entitled to renew his prayer for transfer.
9. With the aforesaid observations, the instant writ petition is disposed of.
10. There shall be no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)