

ML 54
08.07.2024
Ct. No. 18
adeb

W.P.A. 9824 of 2022

Jayanti Maji
Vs.
The State of West Bengal & Ors.

Mr. Shamimul Bari
Ms. Asmita Mitra
...for the petitioner

Mr. Kanai Lal Samanta
...for the respondent no. 7

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

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

The grievance of the petitioner is non consideration of transfer application of the petitioner which was made on the ground of distance in between the present school of the petitioner and her place of residence. Petitioner has made repeated applications for transfer on general ground and one of such applications was rejected by the concerned respondent authority since while preparing panel against the preferred vacancies in other schools petitioner did not come within the zone of consideration.

The last application of the petitioner could not be considered by the authorities since the school authority refused to forward the transfer application of the petitioner on the ground that the transfer application of the petitioner is at present cannot be considered since 10% of the teachers working in the school have already been transferred.

In this regard this Court is required to consider the restrictions which have been imposed by amendment of Rule 6 of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 as made vide notification dated 8th September, 2021. In terms of amended rules 6(2)(d) it has been specifically provided that consideration of transfer application is not permissible if it is found that such application is beyond 10% of total teachers' strength of the school.

Since in the present case the school authority found that in case of consideration of transfer application of the petitioner amended rule 6(2)(d) would be violated, the Court does not find any illegality in the decision taken by the school authority in connection with the transfer application of the petitioner.

Accordingly, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to apply for transfer in future if there is change

in staff pattern of the school which permits transfer on general ground.

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.)