

Ml- 08.07.2024
56 Ct.18
rkd

W.P.A. 10174 of 2022

Minakshi Ghosh

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

....for the petitioner.

Mr. Sourav Mitra

....for the WBCSSC.

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 and the West Bengal Central School Service Commission.

However, no one is representing the State respondents today.

During course of hearing the learned advocates representing the petitioner and the Commission have drawn notice of this Court to a report which has been filed in the form of affidavit affirmed by the District Inspector of Schools (S.E.), Birbhum on 21st November, 2022.

On perusal of such report, it appears that the concerned District Inspector of Schools has issued a memo dated 11th November, 2022 which is annexed at pages 8 and 9 of the said report

wherefrom it appears that the transfer application of the petitioner could not be processed since petitioner is found to be a single teacher in a Junior High School.

From the said memo dated 11th November, 2022 it also appears that the concerned District Inspector of Schools has solicited view of the Commissioner of School Education, West Bengal repeatedly vide memo dated 1st June, 2022 and 25th August, 2022 pertaining to the issue where transfer application has been made by a teacher who is working as a single teacher in the school, whether the same would be allowed or not.

Having considered the report of the concerned District Inspector of Schools and the memo dated 11th November, 2022 which is annexed to the said report the present writ petition stands disposed of thereby directing the Commissioner of School Education, West Bengal to decide whether the transfer application of the petitioner can be allowed or not since petitioner is a single teacher in the school.

The Commissioner is also directed to pass a reasoned order after granting opportunity of hearing to the petitioner, the school authority and the concerned District Inspector of Schools or their

representatives by eight weeks from the date of communication of this order.

The decision to be taken by the Commissioner shall be forwarded to the parties by ten days thereafter.

Leave is granted to the petitioner to amend the cause title and add Commissioner of Schools Education, West Bengal as additional respondent in course of this day.

The learned advocate for the petitioner is further directed to communicate this order along with copy of the writ petition to the additional respondent immediately.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)