

Ml- 05.08.2024
14 Ct.18
rkd

W.P.A. 10178 of 2022

Subhamindu Adhikary

-vs-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana

....for the petitioner.

Mr. Sougata Mitra,
Mr. Nikhil Gupta

...for the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey

....for the WBCSSC.

Matter relates to transfer of the petitioner on the ground of distance in between the residence of the petitioner and his present school; petitioner has prayed for his transfer to another school by making application dated 4th August, 2021.

The school authority where petitioner is serving forwarded the transfer application of the petitioner to the District Inspector of Schools (S.E.), North 24 Parganas being respondent no.3 and the said respondent no.3 refused to take steps on the transfer application of the petitioner since petitioner was found to be a single teacher in the subject in the school.

The learned advocate representing the petitioner prays for a direction upon the respondent no.3 to make an alternative arrangement in the

school in terms of the notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department which would facilitate the transfer of the petitioner.

State respondents and the Commission are represented by learned advocates who have submitted that due to suspension of the Utsashree portal steps could not be taken on the transfer application of the petitioner.

In addition thereto, it is also submitted that petitioner was found to be a single teacher and since the application for transfer of the petitioner was on the ground of distance it is not a case for taking steps based on the transfer application of the petitioner for his immediate transfer to another school.

Having considered the submissions made on behalf of the parties and taking note of the notification dated 3rd January, 2022, the writ petition stands disposed of directing the respondent no.3 to make endeavour to ensure local arrangement in the school of the petitioner by deputing a willing teacher to man the post of the petitioner temporarily for petitioner's transfer to another school till regular incumbent joins the

resultant vacancy which is to be created due to transfer of the petitioner provided the respondent no.3 finds it is a “fit case” to take steps for making local arrangement.

If local arrangement is made on deputing a teacher from a neighbouring school in the subject of the petitioner, petitioner shall be transferred based on his transfer application irrespective of suspension of Utsashree portal.

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.)