

W.P.A. 11007 of 2022

**Sumanta Kumar Naskar
Vs.
The State of West Bengal & Ors.**

Mr. Sakti Pada Jana
Ms. Sudipta Pramanik

...for the petitioner

Mr. Sourav Mitra

...for the WBCSSC

Mr. Supriyo Chattopadhyay
Ms. Iti Dutta

...for the State

In terms of the order dated 29th August, 2024 report in the form of affidavit affirmed on 5th September, 2024 by the District Inspector of Schools (SE) South 24 Parganas is filed today and the same is taken on record. Copies of the said report have been made over to the learned advocates representing the parties.

On perusal of the report it appears that one Snigdha Mistry is working as para teacher with effect from 1st February, 2006 having requisite qualification of M.A. in Political Science. It is also stated in the report that said Snigdha Mistry was engaged upon treating her qualification as B.A.(Hons.) in Political Science in Bijohnagar Adarsha Vidyamandir (HS), District- South 24 Parganas.

In spite of service of notice aforesaid school authority is not represented.

Learned advocate representing the State-respondents has submitted that said Snigdha Mistry was not appointed to take classes of Political Science in higher secondary section and she has other responsibilities to perform being para teacher.

On considering page 31A of the writ petition it appears in connection with transfer application of the petitioner which was made on distance ground dated 25th March, 2022 the concerned District Inspector of Schools (SE) South 24 Parganas on 28th March, 2022 made endorsement on the portal that said transfer application would be sent back to the head of the institution till substitute is obtained in terms of the Government notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department. It is rightly pointed out on behalf of the petitioner that if applicant teacher seeking transfer is found to be a single teacher in the subject in that event it is the duty of the concerned District Inspector of Schools (SE) to make local arrangement if willing teacher of neighbouring school is found to man the post of applicant teacher temporarily. Therefore, on the ground of single teacher transfer application dated 25th March, 2022 should not have been sent back to the head of the institution.

However, on consideration of the report filed today on behalf of the District Inspector of Schools (SE) South

24 Parganas being respondent no. 3 it further appears that Snigdha Mistry is working as para teacher having postgraduate qualification in Political Science and from the documents which are annexed at pages 16 to 20 of the report it further appears that name of said Snigdha Mistry is appearing in the staff pattern of the aforesaid school as para teacher who is functioning from 1st February, 2006.

Therefore, in the present case respondent no. 3 is not required to make local arrangement on finding willing teacher of neighbouring school to function as Political Science teacher in higher secondary section after transfer of the petitioner due to presence of para teacher having requisite qualification to take classes of Political Science in higher secondary section. If petitioner is transferred the aforesaid school authority shall make temporary arrangement for taking classes in Political Science in higher secondary section with the assistance of said Snigdha Mistry.

Respondent no. 3 is directed to forward the transfer application of the petitioner to the concerned authority of the West Bengal Central School Service Commission by fortnight from the date of communication of this order in the event embargo relating to 10% of teaching staff of the school as contemplated under Rule 5(6) of the Transfer Rules of 2015 as amended from time

to time does not operate as bar and in the event pupil teacher ratio permits transfer of the petitioner.

If transfer application of the petitioner is forwarded to the West Bengal Central School Service Commission same shall be decided by the concerned authority of the Commission in accordance with law within a reasonable time and in taking decision on transfer application of the petitioner suspension of Utsashree Portal shall not create bar.

With the aforesaid directions and observations the writ petition stands disposed of.

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.)