

06.11.2024
Court No. 18
Item No. 62
(**Suwendu**)

WPA 11079 of 2022

Smt. Anjali Pramanick
-Versus-

The State of West Bengal & Ors.

Ms. Debjani Ghosal

...for the petitioner

Ms. Munmun Tewari
Ms. Sanchayita De

.....for the State

In terms of previous order a report in the form of affidavit has been filed by the District Inspector of Schools (SE), Purba Bardhaman is taken on record.

On perusal of the said report, it appears from staff pattern annexed at page 7 that there were fourteen teachers working in Bohar Girls' High School (HS), Purba Bardhaman and out of those fourteen teachers two have been transferred up to 2022.

In terms of Rule 5(6) of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 as amended from time to time, 10%

of existing teachers of a school can be transferred. In the present case, since out of fourteen teachers two have already taken transfer which is more than 10% of existing teaching strength no further transfer should be permitted unless fresh appointments are made in teaching cadre in the said school. Petitioner has made application for transfer on the ground of distance in between the present school of petitioner and her place of residence and it is not a case of transfer on medical ground. Furthermore, it appears from the report filed by the concerned District Inspector of Schools that petitioner is a single teacher in the subject in the school.

In view of the fact that two teachers have already taken transfer out of fourteen teachers, at present petitioner's transfer application ought not to be processed till fresh appointment is made in the post of teacher in the said school. Once fresh appointment is made in teaching cadre, petitioner shall be at leave to apply for transfer afresh in accordance with law.

Accordingly the writ petition stands disposed of.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)