

DL -195
19.09.2024
Ct No. 18
S.Das

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14544 of 2023

Dipika Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Afrin Nahar Mandal
... for the petitioner.

Mr. Sunit Kumar Roy
.....for the SSC.

Mr. Shamim Ul. Bari
Mr. Sabhayu Das
...for the State.

Ms. Koyeli Bhattacharyya
Ms. Bibek Dutta
...for the W.B.B. S.E.

Affidavit of service filed on behalf of the
petitioner today is taken on record.

Matter relates to transfer of the petitioner on
the ground of distance in between the present school
of the petitioner and her place of residence.

An application was made for transfer of the
petitioner and the same was forwarded by the school
authority where petitioner is presently serving to the
concerned District Inspector of School(S.E). However,
grievance of the petitioner is on receipt of transfer
application by the District Inspector of Schools (S.E)
being the respondent no.4, the same was sent back to
the school authority on the ground that out of 14

teachers working in the school one teacher has already been applied for transfer.

Learned advocate representing the petitioner relies upon Rule 5(6) of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 wherein it has been provided that authority of a particular school shall not forward transfer applications received from more than 10% of the existing teaching staff. It is also contemplated under Rule 5(6) of the said Rules that in case of fraction while calculating 10% of the teaching strength same shall be rounded upto to next higher digit.

In view of the said provisions as contained in Rule 5(6) of the Transfer Rules of 2015 upto the extent of two teachers out of fourteen(14) teachers working in the school, transfer application is permissible.

Respondents excepting the school Authority are represented.

Having considered the submissions made on behalf of the parties and taking note of the provisions as contained under Rule 5(6) of the Transfer Rules of 2015, this Court finds substance in the submissions made on behalf of the petitioner. As per Rule 5(6) of the said Transfer Rules of 2015 if there are 14 teachers working in the school, two(2) teachers out of those fourteen (14) teachers can make applications

for transfer. In the present case one teacher has applied for transfer, therefore, petitioner being the second teacher who has applied for transfer should have been permitted to have her application considered by the concerned respondent Authorities.

It is also submitted on behalf of the petitioner that meanwhile another teacher has joined the school.

In view of aforesaid scenario, the school Authority of Kalinagar Girl's High School being respondent nos. 5 and 6 are directed to forward transfer application of the petitioner to the respondent no.4 by seven days from the date of communication of this order.

The respondent no. 4 on receipt of transfer application shall take necessary steps and on compliance of formalities forward transfer application of the petitioner to the West Bengal Central School Service Commission by four weeks from the date of receipt of transfer application from the school. If the Commission receives transfer application, the Chairman of the Commission is directed to decide the transfer application within reasonable time.

With the aforesaid observations, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent Photostat certified copy of this order,

if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)