

ML 41
04.11.2024
Ct. No. 18
adeb

W.P.A. 15572 of 2022

**Kausik Samanta
Vs.
The State of West Bengal & Ors.**

Mr. Anjan Bhattacharya

...for the petitioner

Mr. Malay Singh
Ms. Neelam Singh

...for the State

Affidavit of service filed on behalf of the petitioner 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 his place of residence.

It is submitted on behalf of the petitioner that an application for transfer was made on Utsashree Portal but the same was sent back to the school where petitioner is presently serving on the ground that petitioner was found to be a single teacher in the subject in the school. During course of hearing learned advocate for the petitioner relies upon notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department and prays for necessary direction for compliance of the said notification while taking decision on transfer application of the petitioner.

State-respondents are represented by learned advocate who submits that since the petitioner is a single teacher in the subject in the school, in the event Court directs District Inspector of Schools shall take steps to follow the procedure as contemplated in the notification dated 3rd January, 2022.

Having considered the respective submissions made on behalf of the parties the writ petition stands disposed of directing the District Inspector of Schools (SE), Uttar Dinajpur being respondent no. 3 to make an endeavour to find out a suitable teacher from neighbouring school to can man the post of the petitioner temporarily till regular incumbent joins the resultant vacancy which is to be created on transfer of the petitioner.

If suitable willing teacher from neighbouring school is found petitioner shall be transferred to other school based on his transfer application by the concerned respondent authorities in the event it is found by the authorities that it is a “fit case” for transfer in terms of the notification dated 3rd January, 2022.

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.)

