

ML 35
06.08.2024
Ct. No. 18
adeb

W.P.A. 16366 of 2022

**Jayeeta Mukherjee
Vs.
The State of West Bengal & Ors.**

Mr. Shamim ul Bari

...for the petitioner

Ms. Piyali Sengupta
Mr. Ayan Dutta

...for the State

Mr. Sourav Mitra

...for the Commission

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 and her place of residence. Petitioner vide application dated 18th March, 2022 has applied for general transfer and the same was forwarded to the District Inspector of Schools (SE) South 24 Parganas being respondent no. 4. However, it has been submitted by the learned advocate for the petitioner that the transfer application of the petitioner was sent back to the school authority with a request upon the school authority to make alternative arrangement. According to the petitioner in terms of notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department it is the duty of the

respondent no. 4 to make alternative/local arrangement for facilitating transfer of the petitioner.

State-respondents and the Commission are represented by learned advocates who submit that if local arrangement can be made in terms of the notification dated 3rd January, 2022 petitioner may be allowed to take transfer on the recommendation of the Commission.

Having considered the submissions made on behalf of the parties the writ petition stands disposed of directing the respondent no. 4 to make an endeavour to find out an willing teacher of neighbouring school who can man the post of the petitioner temporarily which would facilitate transfer of the petitioner till the regular incumbents joins the post of the petitioner after her transfer. However, it is clarified that the respondent no. 4 shall ensuring local arrangement in the petitioner's school provided it is found as 'fit case' in terms of the notification dated 3rd January, 2022. If local arrangement is made petitioner shall be allowed to take transfer in accordance with law.

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.)