

W.P.A. 17187 of 2024

Dilip Malik
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
...for the petitioner

Ms. Koyeli Bhattacharya
...for the Board

Mr. Sourav Mitra
...for the CSSC

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

From the affidavit of service it appears that the school authority of Bhelatard Junior High School, District-Purulia in spite of service of notice is not represented today. However, School Service Commission and the Board are represented by learned advocates.

The learned advocate for the petitioner submits that last transfer application was made by the petitioner on 8th December, 2022 seeking transfer on medical ground. The grievance of the petitioner is in spite of submitting application before the aforesaid school authority till date no decision has been taken by the school authority. In addition thereto reliance has been placed on amended Rule 6(2)(c)&(e) as contained in the notification dated 8th September, 2021 whereby amendment has been made to

Rules of 2015. According to the petitioner in terms of amended Rule 6(2)(c) and Rule 6(2)(e) if a teacher applies for transfer on medical ground such application ought not to be rejected on the ground that petitioner is a single teacher.

It has been submitted on behalf of respondent authorities who are represented today that since the issue is pending before the aforesaid school authority at first the said school authority has to take decision on the transfer application of the petitioner.

In view of the submissions made on behalf of the parties the writ petition stands disposed of directing the Managing Committee/Adhoc Committee of the aforesaid school to take decision on the transfer application of the petitioner within 8 (eight) weeks from the date of communication of this order. The school authority is required to pass a reasoned order and the same to be communicated to the petitioner by 1 (one) week thereafter. If the decision is taken by the school authority in favour of transferring the petitioner subsequent steps shall be taken in terms of the relevant procedure for forwarding the transfer application of the petitioner to the higher authorities.

However, 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.)