

ML 106
13.06.2024
Ct. No. 18
adeb

W.P.A. 16971 of 2022

**Gokul Chandra Mullick
Vs.
The State of West Bengal & Ors.**

Mr. Biwarup Biswas
...for the petitioner

Mr. Santanu Kumar Mitra
Mr. Amartya Pal
...for the State

Mr. Sourav Mitra
...for the CSSC

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

The writ petition is at the instance of a teacher who prayed for general transfer on the ground of distance in between the place of residence of the petitioner and the present school.

State-respondents and the West Bengal Central School Service Commission are represented by learned advocates.

The application for transfer of the petitioner on the ground of distance was considered by a coordinate Bench in connection with another writ petition being WPA 667 of 2022 wherein the coordinate Bench made the following directions.

“I direct the D.I. of Schools to make an endeavour in making local arrangement as per Government Order dated 22.09.2021 within three months. The D.I. of Schools will intimate the result of his endeavour in making local arrangement to the petitioner in writing. If any local arrangement is made in the meantime before the said three months, the D.I. of

Schools will take steps in accordance with said Notification dated 22.09.2021.”

The learned advocate representing the petitioner submits that after the order was passed on 21st April, 2022 the concerned District Inspector of Schools (SE), Purba Medinipore referred the matter to the all school authorities including petitioner’s school for making alternative arrangement since the petitioner is a single subject teacher in the said school. Petitioner has raised grievance that in spite of direction given by the coordinate Bench on 21st April, 2022 and the memo issued by the concerned District Inspector of Schools dated 24th May, 2022 local arrangement could not be made by his school authority which could facilitate transfer of the petitioner as sought for. According to the petitioner by this time the petitioner ought to have been transferred on making local arrangement.

Learned advocate representing the State-respondents and the Central School Service Commission have jointly opposed the prayer of the petitioner on the ground that ‘Utsashree Portal’ on which the petitioner made online application seeking general transfer was suspended with effect from 29th September, 2022. Therefore, at this stage the application of the petitioner cannot be considered.

Another limb of submissions made on behalf of the respondents is failure on the part of the school authority to make local arrangement as a result whereof necessary steps could not be taken to transfer the petitioner.

Having considered the submissions made on behalf of the parties and on perusal of the relevant documents available on record it appears that necessary direction has already been given by the coordinate Bench vide order dated 21st April, 2022 in the writ petition being

WPA 667 of 2022. It further appears that the concerned District Inspector of Schools has also forwarded the issue vide memo dated 24th May, 2022 to the school authorities of district for making local arrangements. It appears from the said memo dated 24th May, 2022 that the concerned school authority is required to produce consent letter of willing teacher with 'no objection' of the head of the institution for processing the transfer application of the petitioner. Since an appropriate order was passed by the coordinate Bench on 21st April, 2022 this Court observes that suspension of 'Utsashree Portal' with effect from 29th September, 2022 will not operate as a bar in considering the application of the petitioner seeking general transfer provided alternative arrangement is made by the school authority in order to protect the academic interest of the students in the said school.

This Court expresses hope and trust that the school authority shall make serious effort in making alternative arrangement which would ultimately facilitate transfer of the petitioner.

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

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.)