

7
14.08.2024
Ct. No. 18
adeb

W.P.A. 17997 of 2024

**Ujjwal Dhaki
Vs.
The State of West Bengal & Ors.**

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

Ms. Koyeli Bhattacharya
Mr. Bibek Dutta
...for the Board

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
...for the State

Mr. Sunit Kumar Roy
...for the WBCSSC

Matter is heard in presence of the learned advocates representing the parties.

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. Petitioner made application seeking general transfer on Utsashree Portal on 8th August, 2021 but the said transfer application was not allowed by the concerned District Inspector of Schools (SE) Paschim Bardhaman being respondent no. 4 since the school where petitioner is serving made endorsement on the Portal that petitioner is a single teacher in Geography in the school. On last occasion during course of hearing it was pointed out on behalf of the petitioner that apart from

the petitioner there is another assistant teacher of Geography in higher secondary section. According to the petitioner in view of the issue decided by this Court in a writ petition being **WPA 19692 of 2022 (Sabina Eyasmin Vs. The State of West Bengal & Ors.)**, by order dated 27th June, 2024, petitioner is entitled to get the benefit of transfer in view of presence of another assistant teacher in Geography in higher secondary section.

Taking note of submission made on behalf of the petitioner Court directed the respondent no. 4 to submit a report whether apart from petitioner another teacher is present in school in Geography or not.

Pursuant to such direction today on behalf of respondent no. 4 a report dated 30th July, 2024 is placed before this Court and the same is taken on record. On perusal of the said report it appears that the petitioner is an assistant teacher in Geography in normal section whereas there is another teacher in the school in Geography in higher secondary section namely Subrata Sarkar.

In view of such report it can be concluded that petitioner is not a single teacher in Geography in the school considering presence of another teacher in Geography in higher secondary section. The issue is no more *res integra* in view of the order of this Court dated 27th June, 2024 passed in **Sabina Eyasmin** (supra).

Accordingly, respondent no. 4 is directed not to treat the petitioner as a single teacher and forward the transfer application of the petitioner to the West Bengal Central School Service Commission by 7 (seven) days from the date of communication of this order.

On receipt of the transfer application the Chairman of the Commission being respondent no. 3 is directed to take final decision on transfer application of the petitioner by 4 (four) weeks thereafter and the decision shall be communicated to the petitioner by 1 (one) week thereafter.

It is made clear that transfer application of the petitioner shall not be rejected on the ground of suspension of Utsashree Portal.

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.)