

04.07.2024
Court No. 18
Item No. 01
(Suvendu)

WPA 17710 of 2022

Sanjay Saha
-Versus-

The State of West Bengal & Ors.

Mr. Sayan Raul
.....for the petitioner

Mr. Kanak Kiran Bandyopadhyay
.....for the WBCSSC

Mr. K.M. Hossain
.....for the respondent no.6

Mr. Rezaul Hossain
.....for the State

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

Petitioner is an Assistant Teacher in Life
Science in a Higher Secondary School who has
made an application for general transfer on the
ground of distance in between the school of the
petitioner and his place of residence. The
reason behind moving this writ petition is
objection raised by the concerned school
authority where the petitioner is presently
serving while considering transfer application of
the petitioner. The school authority objected to
the petitioner's transfer on the ground that the

petitioner is a single teacher in Life Science in the said school.

Having considered such objection of the school authority vide order dated 13th June, 2024 Court directed the concerned District Inspector of Schools to submit a report and a report, signed on 26th June, 2024, has been submitted today. The said report is taken on record.

From the said report, it appears that apart from petitioner there is another teacher namely Sudip Das who is working as Life Science teacher in the concerned school having qualification B.Sc. (Hons.), M.Sc. (Botany), B.Ed.

The contention of the petitioner is since he is not a single teacher in Botany in the said school his transfer application ought not to be objected by the said school authority. He prays for direction upon the respondent authorities for his transfer.

The school authority today is represented by Mr. Hossain, learned advocate, who has fairly submitted before this Court that though the transfer application of the petitioner was objected by the school authority but on scrutiny of the staff pattern it appears that presently

petitioner is not a single teacher in Life Science in the school, there is another teacher who is working as Assistant Teacher in Life Science.

However, it is submitted that considering the huge roll strength of the said school if the petitioner is transferred to another school, academic interest of the students specially in higher secondary section would be jeopardized.

It has been submitted on behalf of the said school authority that if petitioner is transferred to another school let there be a direction upon the respondents for expeditious filling up of resultant vacancy.

State respondents and the West Bengal Central School Service Commission are represented by the learned advocates who submit that since initially objection was raised by the school authority on the ground that the petitioner being a single teacher the transfer application of the petitioner could not be allowed. In the meantime Utshasree portal has been suspended with effect from 29th September, 2022 which is also causing difficulty so far as respondents are concerned.

Having considered the submissions made on behalf of the parties and on perusal of the

materials available on records including the report submitted on behalf of the concerned District Inspector of Schools, this Court finds that the petitioner is presently not a single teacher in Life Science in the school. Therefore, the objection which was initially raised on behalf of the school authority is not found to be maintainable.

Accordingly, the school authority is directed to forward the transfer application of the petitioner to the concerned District Inspector of Schools, if the same has not yet been forwarded, by seven days from date and on compliance of formalities if the concerned District Inspector of Schools finds that the transfer application of the petitioner can be forwarded to the higher authorities for taking final decision he shall take steps immediately but not beyond the period of two weeks from the date of receipt of application from the school authority. The Chairman of the West Bengal Central School Service Commission on receipt of the application shall take a decision on transfer of the petitioner within a fortnight thereafter.

If the petitioner is transferred to another school the authorities are directed to take

necessary steps expeditiously to fill up the resultant vacancy and the concerned District Inspector of Schools is also directed to forward the vacancy on urgent basis to the office of the Commission for taking necessary steps.

It is made clear that suspension of Utshasree portal shall not create any hindrance in taking decision on the transfer application of the petitioner.

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

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)