

02.09.2024
Court No. 18
Item No. 61
(Suvendu)

WPA 18166 of 2022

Tanushree Bhattacharya
-Versus-

The State of West Bengal & Ors.

Mr. Ujjal Ray
Mr. Arpa Chakraborty
Mr. Sk. Abdur Rahim
.....for the petitioner

Dr. Sutanu Patra
Ms. Supriya Dubey
.....for the WBCSSC

Mr. Tapas Adhikari
Mr. Benazir Ahmed
.....for the State

Mr. Deepan Kumar Sarkar
Mr. P. Roy Chowdhury
.....for the respondent nos. 7-9

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.

Grievance of the petitioner is in spite of
making application for transfer on 13th
February, 2022 on Utshasree portal though
same was forwarded by the District Inspector of
Schools (SE), South 24 Parganas on 28th
February, 2022 to the West Bengal Central
School Service Commission through portal but
an endorsement was made by the concerned
District Inspector of Schools that transfer

application of the petitioner can only be entertained provided a substitute teacher is appointed in the school.

Today, school authority of Sarisha Ramkrishna Mission Sarada Mandir Girls' School, South 24 Parganas is represented by learned advocate who submits that petitioner is not a single teacher in the subject in the school and petitioner's transfer application was duly forwarded by the school authority to the office of the District Inspector of Schools for taking necessary steps.

However, submission has been made on behalf of the West Bengal Central School Service Commission and the said school authority that since the school is governed by the Special Rules at present the school authority is not under obligation to appoint teachers who were recommended by the Commission. The said school authority can appoint teaching staff in the school in terms of Special Rules.

However, it has been submitted jointly by the learned advocates appearing for the school authorities and petitioner that petitioner was appointed in the school on being recommended by the concerned authority of the West Bengal Central School Service Commission, as such,

there is no impediment in considering transfer application of the petitioner.

Having considered respective submissions made on behalf of the parties, writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission being respondent no. 3 to decide transfer application of the petitioner by four weeks from the date of communication of this order and the order to be passed by the respondent no. 3 shall be communicated to the aforesaid school authority and petitioner by one week thereafter.

It is made clear that petitioner shall not be treated as single teacher while deciding the transfer application of the petitioner and suspension of Utshasree portal shall not be a ground for rejecting transfer application of the petitioner.

It is however clarified that petitioner's transfer application shall only be considered by respondent no. 3 in the event petitioner's initial appointment in the school was made on the recommendation of the Commission.

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

(Saugata Bhattacharyya, J.)

