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15.07.2024
Ct.18

W.P.A. 18394 of 2022

Pratima Acharya

-vs-

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya

....for the petitioner.

Ms. Sima Adhikari,
Ms. Kakali Naskar

....for the State.

Ms. Pampa Dey Dhabal,
Ms. Sangita Banrerjee

....for the respondent nos. 6 to 8.

Mr. Kanak Kiran Bandyopadhyay

....for the WBCSSC.

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

Petitioner has prayed for transfer on
medical ground being an Assistant Teacher in a
Government aided school.

Petitioner prays for a direction for
immediately transferring her on compliance of
formalities to other school on medical ground. In
support of such contention supplementary affidavit
filed today and the same is taken on record.

School authority of Kushberiya Mouza
Baneswar Siskshalaya, District-Howrah being
respondent nos.6 to 8 are represented before this
Court.

The learned advocate for the school

authority has placed before this Court during course of hearing a staff pattern wherefrom it appears that school is a X class High School having six units from Classes V to X but at present there are four teachers excluding one Sayantani Roy who is also an Assistant Teacher in English like petitioner but she is not coming to the school for last seven years.

According to the school authority against six units which are running from Classes V to X if petitioner is allowed to take transfer in that event three teachers would be there. In this regard a resolution has been adopted by the school authority disclosing as to why the transfer application of the petitioner on medical ground could not be forwarded to the concerned District Inspector of Schools for completing the formalities and processing the same.

In view of aforesaid position and considering the academic interest of the students who are studying in the said school at this stage conscience of this Court does not permit to pass a final order on disposal of the writ petition thereby directing the respondent authorities to process the transfer application of the petitioner.

Therefore, this Court is not inclined to

grant relief to the petitioner at this stage and accordingly, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to apply for transfer on medical ground in future when number of teaching staff in the said school would be enhanced.

The concerned State respondents as well as the West Bengal Central School Service Commission are directed to take necessary steps for filling up the vacancies of Assistant Teacher in the aforesaid school on compliance of formalities at an early date since approach has already been made on behalf of the school authority before the concerned respondent authorities for filling up the vacancies.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)