

04.11.2024
Court No. 18
Item No. 44
(Suvendu)

WPA 18535 of 2022

Saraswati Purti

-Versus-

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya

.....for the petitioner

Mr. Pradyot Kumar Das

.....for the State

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

Matter is heard in presence of learned advocates representing the petitioner and State respondents.

Mr. Bhattacharya, learned advocate representing the petitioner submits that petitioner made application seeking transfer on medical ground on Utshasree portal on 25th February, 2022 but on 8th August, 2022 transfer application of the petitioner was sent back from the concerned District Inspector of Schools to the Head of the Institution where petitioner is presently working. It is further submitted that as application has been made seeking transfer on medical ground embargo relating to single teacher in the subject in the school does not operate as bar in terms of the relevant

provisions relating to transfer of teachers working in Government aided secondary and higher secondary schools. Petitioner prays for necessary direction upon the concerned respondent authorities for her transfer.

On behalf of the State respondents it is submitted that school where petitioner is working is a Junior High School having four units from Class V to Class VIII and at present including the petitioner altogether two teachers are functioning.

Having considered respective submissions made on behalf of the parties, it appears that it is true single teacher in the subject in the school cannot operate as bar so far transfer of the petitioner is concerned as application for transfer was made on medical ground. However, academic interests of the students ought not to be sacrificed while considering the transfer application of the petitioner. The school-in-question where petitioner is presently working is a Junior High School having four units against which including petitioner two teachers are working and if petitioner is permitted to take transfer there will be one teacher against four units. In the event of petitioner's transfer it will be impossible for a teacher who would be there in the school to run the institution.

Having considered paucity of teachers in the school-in-question, at this stage this Court is not giving any direction upon concerned respondent authorities to transfer the petitioner. However, in the event fresh appointment is made in the school petitioner's application for transfer, if made in future, shall be considered in accordance with law.

With the above observations and direction, writ petition is 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.)