

11.07.2024
Court No. 18
Item No. 03
(Suvendu)

WPA 18548 of 2022

Manisha Roy
-Versus-

The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
.....for the petitioner

Mr. Sanjay Baid
.....for the School Authority

Mr. Supriyo Chattopadhyay, Ld. AGP
Ms. Sayantanee Bhattacharjee
.....for the State

In terms of the previous order dated 20th June, 2024, District Inspector of Schools (SE), Malda has submitted a report in the form of an affidavit affirmed on 8th July, 2024 and the same is taken on record.

On perusal of the said report it appears that there is a vacancy of Assistant Teacher in History in Rahutara St. Thomas High School (HS), Malda and the second school namely Eklakhi Mission Girls' High School, Malda through its Headmistress vide letter dated 5th July, 2024 has informed the concerned District Inspector of Schools (SE), Malda that the said

school does not have at present any vacancy for the post of Assistant Teacher in Geography.

In the present case, the petitioner being an Assistant Teacher in St. Peter's High School, Kolkata is seeking transfer to a school in Malda which belongs to same category as that of the present school of petitioner.

On behalf of the school authority being the respondent no. 7 learned advocate opposed the prayer of petitioner and according to the school authority of St. Peter's High School, Kolkata, the founder bodies are different in the aforementioned schools which are situated in Malda.

Since a case is made out in the writ petition that petitioner's son is an autistic child, this Court has made an endeavor to find out ways and means in order to explore possibilities of transferring the petitioner from her present school to one of the aforesaid two schools in Malda, provided the relevant Rules permits the same. Accordingly, direction was given upon the concerned District Inspector of Schools to apprise this Court whether vacancies are available in the aforesaid two schools in Malda where petitioner can be accommodated.

By submitting the report it has been averred by the Concerned District Inspector of Schools that at present in the two aforesaid schools no vacancy for the post of Assistant Teacher in Geography is available. In support of the same letters issued by the aforesaid school authorities are enclosed to the report which is filed before this Court.

In view of non-availability of vacancy in the said two schools in Malda where petitioner can be accommodated, it appears that entire consideration as to whether petitioner can be transferred or not becomes academic.

The writ petition accordingly stands dismissed, without any order as to costs.

This order, however, shall not preclude the petitioner to apply for transfer in future in accordance with law if suitable vacancy occurs.

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

(Saugata Bhattacharyya, J.)

