

Ml- 14.06.2024
128 Ct.18
rkd

W.P.A. 18571 of 2022

Md. Mirajul Islam

-vs-

The State of West Bengal & Ors.

Mr. Ujjal, Ray,
Mr. Arpa Chakraborty,
Mr. Sk. Abour Rahim

....for the petitioner.

Mr. Sourav Mitra

....for the WBCSSC.

Mr. Prasanta Kumar Giri,
Ms. Sanjukta Mitra

....for the State.

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

The writ petition is heard in presence of the
learned advocates representing the petitioner, State
respondents and West Bengal Central School
Service Commission.

The grievance of the petitioner is failure on
the part of the respondent authorities to transfer
the petitioner to a school which is nearby to the
place of the residence of the petitioner based on the
application of the petitioner dated 2nd August, 2021
seeking transfer on the ground of distance.

From the documents which is at pages 33
and 34 of the writ petition, it appears that the
authorities took steps for processing the transfer

application of the petitioner but it was found that petitioner is a single teacher in the subject of Arabic in the concerned school as a result whereof transfer of the petitioner could not be effected. Petitioner seeks his transfer immediately.

The learned advocates representing the State respondents and the Commission have jointly opposed the prayer of the petitioner on two counts.

Firstly, though the petitioner applied for transfer on 2nd August, 2021 on Utsashree portal but the said portal was suspended with effect from 29th September, 2022. It is also contended on behalf of the respondents that since petitioner is a single teacher in the subject of Arabic in the concerned school until and unless a local arrangement is made in terms of the notification dated 3rd January, 2022 he could not be transferred to other school.

Having considered the submissions made on behalf of the parties, this Court finds that the petitioner is a single teacher in the subject of Arabic in the concerned school as it has been endorsed in the document which is annexed in this writ petition at pages 33 and 34. However, the right of the petitioner to be transferred cannot be impinged upon since he was rendering service as a

single teacher in Arabic in the concerned school but at the same time the academic interest of the students needs to be considered.

Considering the notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department, the concerned respondent authorities are directed to make local arrangement by finding another teacher from a neighbouring school who can temporarily function as Arabic teacher in the school of the petitioner until substantive appointment is made in the post of Assistant Teacher in Arabic after transfer of the petitioner.

On compliance of all formalities if local arrangement is made in terms of the notification dated 3rd January, 2022 necessary steps shall be taken by the respondent authorities for transferring the petitioner based on the application of the petitioner seeking transfer on the ground of distance.

With the above observation, the writ petition stands disposed of.

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.)