

08.08.2024
Item No.16
Court No.18.
S. De

W.P.A. 19075 of 2024

Pabitra Bhuiya.
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra,
Mr. A.N. Mondal, ...for the petitioner.

Mr. Sourav Mitra, ...for the WBCSSC

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta, ...for the WBBSE.

Ms. Supriya Chattopadhyay,
Mr. Manoj Kr. Mondal,
...for the State respondents.

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

Leave is granted to the petitioner to amend the
cause title of the writ petition to add District Inspector
of Schools (S.E.), Barrackpore as respondent no.4, in
place and instead of the District Inspector of Schools
(S.E.), North 24 Parganas, Barasat.

Service of notice upon the District Inspector of
Schools (S.E.), Barrackpore stands dispensed with
since the State respondents are represented by learned
advocates.

The grievance of the petitioner is non-
consideration of her general transfer application on the
ground of distance in between the place of residence of

the petitioner and her present school. It has been submitted by the learned advocate representing the petitioner that previously transfer application of the petitioner, on medical ground, was refused by the concerned respondent authorities, since it was found by the concerned Chief Medical Officer of the Health that paralysis of husband is not listed disease under the norms requiring transfer of the petitioner. Subsequently, the petitioner, having found that she is eligible to make application for general transfer, approached the School Authority by making transfer application on the Utsashree Portal on 8th September, 2022.

However, the School Authority of Nawabganj Balika Vidyalaya, District-North 24 Parganas, being respondent no.5 has not forwarded the transfer application of the petitioner to the office of the District Inspector of Schools (SE), Barrackpore. It is also submitted that the petitioner is not a single teacher in the subject in the School. Therefore, there is no impediment in taking steps on the transfer application of the petitioner.

The State respondents and the West Bengal Central School Service Commission are represented by learned advocates.

It has been submitted on behalf of the State respondents that if transfer application is forwarded

by the aforesaid School Authority, the concerned District Inspector of Schools (SE), Barrackpore shall take steps in accordance with law for transferring the petitioner, if the same is permissible as per the relevant transfer rules.

Having considered the submission made on behalf of the parties, the writ petition being WPA 19075 of 2024 stands disposed of directing the Headmistress of Nawabganj Balika Vidyalaya, being respondent no.5 to forward the transfer application of the petitioner to the District Inspector of Schools (SE), Barrackpore by seven days from the date of communication of this order, if the petitioner is not a single teacher in the subject in the school. On receipt of transfer application, the District Inspector of Schools (SE), Barrackpore is directed to take steps in accordance with law.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis, on compliance of all formalities.

(Saugata Bhattacharyya, J.)