

07 25.06.2024
rkd Ct.18

W.P.A. 19212 of 2022

Sujay Pal

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Shreyeta Mitra

....for the petitioner.

Mr. Kanak Kiran Bandyopadhyay

....for the WBCSSC.

The matter relates to general transfer of the petitioner being an Assistant Teacher in a Government aided High School.

Petitioner has made an application on 20th January, 2022 seeking general transfer on the ground of distance between his place of residence and the school where he is presently serving.

Petitioner relies upon the notification dated 3rd January, 2022 issued by the Addition Secretary to the Government of West Bengal, School Education Department.

Affidavit-of-service filed on behalf of the petitioner shows service upon the learned advocate representing the State respondents. However, in spite of serving notice State respondents are not represented.

West Bengal Central School Service Commission is represented by learned advocate

who submits that since petitioner was found to be a single teacher in the subject in the concerned school his application for transfer could not be allowed. In addition thereto, it has been submitted that Utsashree portal has been suspended with effect from 29th September, 2022.

Having considered the submissions made on behalf of the parties, it appears that though petitioner was found to be a single teacher but in terms of the notification dated 3rd January, 2022 the concerned District Inspector of Schools (S.E.) is required to take steps in order to make local arrangement and to find out a teacher who is willing to take classes in the subject of the petitioner temporarily which would facilitate transfer of the petitioner.

In addition thereto, it is also submitted on behalf of the petitioner that there is another teacher in the school working in the normal section having requisite educational qualification in the subject Education and the petitioner is also an Assistant Teacher in Education in higher secondary section. Therefore, service of that teacher can be utilized as an Assistant Teacher in Education in higher secondary section till regular incumbent is appointed in the resultant vacancy which is to be

created on transfer of the petitioner.

Accordingly, the writ petition stands disposed of directing the concerned District Inspector of Schools to make endeavour to find out a teacher who is willing to take classes in the subject of the petitioner in the concerned school on temporary basis which would facilitate transfer of the petitioner to some other school.

If such teacher is found in that event the transfer application of the petitioner shall be considered in accordance with law and while considering the same suspension of Utsashree portal will not create any impediment.

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.)