

W.P.A. 19672 of 2024

**Lakshmi Oraon
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Afrin Nahar Mondal
...for the petitioner

Ms. Koyeli Bhattacharya
Mr. Bibek Dutta
...for the Board
Mr. Susanta Pal
...for the respondent no. 5

Mr. Sourav Mitra
...for the WBCSSC

Mr. Vimal Kumar Shahi
Ms. Moumita Karmakar
...for the State

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

Matter relates to transfer of the petitioner based on her general transfer application on the ground of distance dated 21st September, 2022. It has been submitted by the learned advocate representing the petitioner that last transfer application was made by the petitioner seeking transfer on the ground of distance on Utsashree Portal on 21st September, 2022 but till date no decision has been taken by the school authority where petitioner is presently serving. It is also submitted that previous transfer application of the petitioner could not be processed since

out of 14 teachers one teacher was allowed to be transferred and the petitioner was not found to be eligible. Now, the teaching strength of the school in question has been augmented upon appointment of four teachers through Utsashree Portal and the present teaching strength of the school is seventeen. According to the petitioner beyond 10% of the existing teaching strength which is a bar in terms of the Transfer Rules of 2015 as amended from time to time is applied petitioner should be adjudged as an eligible candidate to be transferred on the ground of distance.

Respondents are represented by learned advocates.

It has been submitted by Mr. Susanta Pal, learned advocate representing the school authority that due to appointment of four teachers in the school on transfer now there is no difficulty in considering the transfer application of the petitioner. It has been submitted on behalf of other respondents that if transfer application of the petitioner is forwarded to the concerned authority the same shall be considered in accordance with law.

Having considered the submissions made on behalf of the parties writ petition stands disposed of directing the school authority of M.B.S. Neora High School, District-North 24 Parganas being respondent no. 5 to forward petitioner's transfer application to the concerned District Inspector of Schools (SE), North 24 Parganas being

respondent no. 4 by 7 (seven) days from the date of communication of the order.

On receipt of the transfer application the respondent no. 4 shall process the transfer application and if it is found that petitioner is suitable for being transferred on the ground of distance the transfer application of the petitioner shall be forwarded to the office of the West Bengal Central School Service Commission for taking final decision. Aforesaid exercise shall be completed by the respondent no. 4 by 4 (four) weeks from the date of receipt of transfer application from the school authority. If ultimately the transfer application of the petitioner reaches the office of the West Bengal Central School Service Commission the same shall be decided by the Commission in accordance with law.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)