

06.08.2024
Court No. 18
Item No. 46(ML)
(Suvendu)

WPA 19410 of 2022

Sitaram Giri
-Versus-

The State of West Bengal & Ors.

Mr. Rezaul Hossain
Mr. Parvez Hossain
.....for the petitioner

Mr. Bibek Dutta
.....for the WBBSE

Mr. Kanak Kiran Bandyopadhyay
.....for the WBCSSC

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

In spite of service of notice upon school
authorities of Dhabani Junior High School,
Purulia, being respondent nos. 6 and 7, those
respondents are not represented today.

Matter relates to transfer of petitioner on
the ground of distance between the present
school and place of residence of petitioner.

It has been submitted by learned advocate
representing the petitioner that petitioner
preferred transfer application on 6th August,
2021 on Utshasree portal but the same has not
been forwarded till date by the said school
authority to the office of the District Inspector of
Schools (SE), Purulia being the respondent no. 5

on the ground that petitioner is single teacher in the subject in the school.

Reliance is placed on the notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department for making local arrangement in the school to facilitate petitioner's transfer.

West Bengal Central School Service Commission and West Bengal Board of Secondary Education are represented by the learned advocates.

However, on behalf of State respondents accommodation has been prayed for.

On behalf of the Commission it is submitted that the concerned State respondents can take steps based on the notification dated 3rd January, 2022 which may help the petitioner in seeking transfer.

Having considered the submissions made on behalf of the parties and taking note of the notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department, the writ petition stands disposed of directing the school authorities of Dhabani Junior High School, Purulia, being the respondent nos. 6 and

7 to forward transfer application of petitioner to the respondent no. 5 by seven days from the date of communication of this order. On receipt of such application, respondent no. 5 is directed to make endeavor to find out an willing teacher of neighboring school who can man the post of the petitioner temporarily till regular incumbent joins in the resultant vacancy which is to be created on transfer of the petitioner to facilitate petitioner's transfer provided it is found as "fit case" as contemplated under the said notification dated 3rd January, 2022. If local arrangement is made upon deputing a teacher in the school in place of the petitioner, petitioner shall be transferred on compliance of formalities in accordance with law.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)

