

22
06.08.2024
Ct. No. 18
adeb

W.P.A. 19590 of 2022

**Sumanta Shee
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
...for the petitioner

Mr. Sourav Mitra
...for the CSSC

Ms. Sanghamitra Nandy
Mr. Bidhan Biswas
...for the State

Writ petition is heard today pursuant to the order dated 15th July, 2024 when report in the form of affidavit has been filed on behalf of the State-respondents which has been affirmed by the Assistant Inspector of Schools (SE) South 24 Parganas on 5th August, 2024.

Ms. Sanghamitra Nandy, learned advocate representing the State-respondents has handed over a copy of the said report and the same be taken on record till original affirmed copy is filed in Court.

Matter relates to transfer of the petitioner being an assistant teacher in Dhola High School (HS), District-South 24 Parganas. The application has been made for transfer on the ground of distance in between the place of residence of the petitioner and the aforesaid school. In terms of the

previous order dated 15th July, 2024 in the report filed on behalf of the State-respondents resolution of the Managing Committee dated 21st February, 2022 has been annexed and on perusal of the same it appears that there are 33 teachers working in the school against 3500 students. Moreover, out of these 33 teachers 11 teachers have prayed for transfer. Therefore, it appears that neither the teacher pupil ratio permits transfer of teacher on the ground of distance nor the prescription of Transfer Rules which provides the transfer of teacher beyond 10% of the existing teaching staff is impermissible is adhered to. However, learned advocate representing the petitioner on virtual mode submits that since the resolution dated 21st February, 2022 is not questioned in this writ petition, leave may be granted to challenge the said resolution.

Having considered the submission made on behalf of the petitioner the writ petition stands disposed of granting leave to the petitioner to take steps in accordance with law in view of the resolution adopted by the Managing Committee of the aforesaid school on 21st February, 2022, if so advised.

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

(Saugata Bhattacharyya, J.)