

12
03.07.2024
Ct. No. 18
adeb

W.P.A. 19852 of 2022

Smt. Archana Nag (Maity)
Vs.
The State of West Bengal & Ors.

Mr. Asit Kumar De
Ms. Surmita Senapati
...for the petitioner

Mr. Sourav Mitra
...for the WBCSSC

Mr. Bhaskar Prasad Vaisya
Mr. Mrinal Kanti Ghosh
...for the State

Learned advocate representing the petitioner tenders undertaking to file affidavit-of-service in course of this day.

The petitioner is an assistant teacher in Biology who has made application for transfer dated 12th August, 2021. Attention of this Court has been drawn to a document which is at page 35 of the writ petition from where it is found that the school authority did not process petitioner's application since the petitioner was found single teacher in Biology in the concerned school. Petitioner prays for transfer on making local arrangement as contemplated under the notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department.

The learned advocates representing the State-respondents and the West Bengal Central School Service

Commission have jointly submitted that Utsashree Portal was suspended with effect from 29th September, 2022. Therefore, at present the authorities would find it difficult to process the transfer application of the petitioner. Furthermore, it is also submitted that since petitioner is found to be a single teacher her application could not be processed contemporaneously.

Having considered the submissions made on behalf of the parties and taking note of the fact that in terms of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 eligible teachers are conferred right to be transferred on compliance of necessary formalities. Suspension of Utsashree Portal cannot take away the statutory right of the teachers to be transferred provided the said teacher fulfills other conditions.

It is true that petitioner is a single teacher in a subject in the school but the School Education Department vide notification dated 3rd January, 2022 has provided a window for transferring a teacher even if he is found to be a single teacher on securing local arrangement in the said school to protect the academic interest of the students.

In view of the said notification dated 3rd January, 2022 the present writ petition stands disposed of directing the concerned District Inspector of Schools to make an endeavour to find out a teacher from a neighbouring school who is willing to take classes in the subject of the petitioner

temporarily in the school till resultant vacancy on transfer of the petitioner is filled up substantively, provided the concerned District Inspector of Schools finds that it is a fit case to take steps in terms of such notification. School authority of the petitioner is also directed to cooperate with concerned District Inspector of Schools in making local arrangement. If local arrangement is made as per the notification dated 3rd January, 2022 consequent steps shall be taken for transferring the petitioner to a school which is nearby to her place of residence. Suspension of Utsashree Portal shall not create any impediment in transferring the petitioner.

With the aforesaid observations the writ petition stands disposed of.

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.)