

Ml- 15.07.2024
172 Ct.18
rkd

W.P.A. 19948 of 2022

Sri Anindya Roy

-vs-

The State of West Bengal & Ors.

Mr. Animesh Paul,
Ms. Susmita Ghorai,
Ms. Bishruti Chattopadhyay

....for the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Ranjan Saha

....for the State.

Mr. Sourav Mitra

....for the WBCSSC.

The writ petition relates to transfer of the petitioner on the ground of distance.

The last application was preferred by the petitioner on 28th August, 2021 seeking transfer and the same was not entertained by the concerned District Inspector of Schools since petitioner was found to be a single teacher in the subject.

The learned advocate representing the petitioner during course of submission has relied upon notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department for making local arrangement by the concerned District Inspector of Schools which would facilitate transfer of the petitioner to another school.

The learned advocate representing the State

respondents and the West Bengal Central School Service Commission have jointly opposed the prayer of the petitioner on the ground that decision was taken by the concerned District Inspector of Schools not to entertain the transfer application on 1st September, 2021 whereas the notification which has been relied upon on behalf of the petitioner was issued on 3rd January, 2022.

According to the respondent authorities the concerned District Inspector of Schools did not make any mistake in refusing to process the transfer application of the petitioner.

Having considered the submissions made on behalf of the parties and taking note of the notification dated 3rd January, 2022 it appears that provision to make local arrangement by the concerned District Inspector of Schools in case of single teacher in the subject in the school is embodied in the said notification dated 3rd January, 2022 which does not have retrospective effect.

In the present case, petitioner made application for transfer lastly on 28th August, 2021 and the same was rejected by the concerned District Inspector of Schools on 1st September, 2021 when the notification dated 3rd January, 2022 was not in force.

In view of absence of notification on the date the concerned District Inspector of Schools took decision i.e. 1st September, 2021, this Court does not find anomaly in the decision of the concerned District Inspector of Schools.

Accordingly, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to apply for transfer afresh in accordance with law.

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.)