

08 22.08.2024
rkd Ct.18

W.P.A. 20523 of 2024

Subodh Kumar Mahata

-vs-

The State of West Bengal & Ors.

Mr. Sobhan Majumder,
Ms. Koyel Bag

....for the petitioner.

Mr. Sourav Mitra

....for the WBCSSC.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBBSE.

Mr. K. J. Yusuf,
Mr. Saurav Chaudhuri

....for the State.

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

Matter relates to transfer of the petitioner
on medical ground and an application was
preferred on designated portal on 2nd March, 2022
seeking transfer to another school.

The transfer application of the petitioner
was first processed by the school authority where
petitioner is presently serving and the same was
forwarded to the concerned District Inspector of
Schools (SE) for taking further steps.

The District Inspector of Schools (SE),
Purulia being respondent no.5 ultimately forwarded
the transfer application of the petitioner to the West
Bengal Central School Service Commission on 21st

March, 2022 with an endorsement that petitioner is a single teacher in the subject and the transfer of the petitioner may not be permissible considering the roll strength of the school.

Respondents are represented by learned advocates who submit that in view of Rule 6(2)(e) as amended vide notification dated 8th September, 2021 when a teacher applies for transfer on medical ground bar relating to single teacher or poor roll strength of the school may not be applicable in view of said amended Rule 6(2)(e).

It is submitted on behalf of the Commission that in spite of receipt of the transfer application far back on 21st March, 2022 the decision could not be taken by the Commission due to suspension of Utsashree portal with effect from 29th September, 2022.

However, it is submitted in the event direction is given upon the Chairman of the Commission, the transfer application of the petitioner shall be decided in accordance with law.

Having considered the submissions made on behalf of the parties the writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission being respondent no.3 to decide the transfer application

of the petitioner by four weeks from the date of communication of this order.

The decision to be taken by the respondent no.3 shall be communicated to the petitioner by one week thereafter.

It is made clear that neither suspension of Utsashree portal nor embargo relating to single teacher shall be relevant consideration while taking decision on transfer application of the petitioner since petitioner has prayed for transfer on medical ground.

However, 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.)