

ML 27
02.12.2024
Ct. No. 18
adeb

W.P.A. 20383 of 2022

**Sarmistha Gupta
Vs.
The State of West Bengal & Ors.**

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Sampriiti Saha
Ms. Swati Dey

...for the petitioner

Mr. Malay Singh
Ms. Neelam Singh

...for the State

Mr. Saurav Mitra
Mr. Kanak Kiran Bandyopadhyay

...for the WBCSSC

Affidavit of service filed in terms of the order dated
4th November, 2024 is taken on record.

Matter relates to transfer of the petitioner on the ground of distance from present school to a school which is nearby to her place of residence. Last transfer application was made on portal on 5th April, 2022 and grievance of the petitioner is till date said transfer application has not been forwarded by the school authority to the concerned District Inspector of Schools (SE) for taking further steps. However, it has been submitted by the learned advocate representing the petitioner that she is single teacher in the subject in the school. Therefore, authorities are required to follow Government notification dated 3rd January, 2022 for

making local arrangement in the school which would facilitate petitioner's transfer.

State-respondents and West Bengal Central School Service Commission are represented by learned advocates who have also submitted that it is not the duty of the school authority to find out alternative teacher rather it is the concerned District Inspector of Schools (SE) to take steps in terms of the said notification dated 3rd January, 2022.

Having considered such submissions made on behalf of the parties writ petition stands disposed of directing the authority of Khajuri High School (HS) District-Howrah being respondent no. 5 to forward the transfer application of the petitioner to the District Inspector of Schools (SE), Howrah being respondent no. 6 by fortnight from the date of communication of this order. On receipt of transfer application District Inspector of Schools shall make an endeavour to find out willing teacher of neighbouring school who can man the post of the petitioner temporarily till regular incumbent joins the post which will fall vacant due to transfer of the petitioner. If willing teacher is found and if it appears to the respondent no. 6 that it is a "fit case" under Government notification dated 3rd January, 2022 to make local arrangement in the school of the petitioner, petitioner shall be transferred to another school.

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

(Saugata Bhattacharyya, J.)