

DL - 05
17.09.2024
Ct No. 18
S.Das

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20702 of 2024

Tarak Nath Das
Vs.
The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
... for the petitioner.

Mr. Sunit Kumar Roy
.....for the SSC.

Mr. Abdul Hamid
Mr. Debottam Das
...for the State.

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

Matter relates to transfer of the petitioner on
the ground of distance in between the present school
of the petitioner and his place of residence.

The learned advocate representing the
petitioner submits that the petitioner is a surplus
teacher in the school in consideration of pupil teacher
ratio.

Petitioner made an application for transfer
on “Utsashree Portal” on 20th June, 2022 and the
school authority forwarded the transfer application
to the concerned District Inspector of Schools (S.E.)
for taking steps. The concerned District Inspector of
Schools (S.E) has returned the transfer application

of the petitioner to the school of the petitioner on the ground that the petitioner is single teacher in the subject.

Learned advocate representing the petitioner submits that instead of sending the transfer application of the petitioner back to the school Authority, in terms of Government Notification dated 3rd January, 2022 the concerned District Inspector of Schools (S.E) ought to have take steps for making local arrangement in the school to facilitate petitioner's transfer.

West Bengal Central School Service Commission is represented by a learned lawyer. It is submitted on behalf of the Commission that if transfer application is forwarded to the Commission, the same shall be decided accordingly.

Having considered the submissions made on behalf of the parties, it appears that since the petitioner was found as single teacher in the subject in the school, the concerned District Inspector of Schools(S.E) is required to ensure local arrangement in the school. Accordingly, the District Inspector of Schools(S.E), Birbhum being the respondent no. 4 is directed to make an endeavour to find out a willing teacher of neighbouring school, who can man the post of the petitioner temporarily for

petitioner's transfer till regular incumbent joins the resultant vacancy.

If the respondent no. 4 finds that "it is a fit case" under Government Notification No. 3rd January, 2022 for transferring the petitioner on the ground of distance, the aforesaid steps shall be taken and if willing teacher is found, the petitioner shall be transferred to another school.

With the aforesaid observations, the writ petition stands disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)