

Ml- 19.06.2024
167 Ct.18
rkd

W.P.A. 20479 of 2022

Sumita Saha

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

....for the petitioner.

Mr. Ziaul Isla,
Syed Nasirul Hossain

....for the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey

....for the WBCSSC.

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

The writ petition is heard in presence of the
learned advocates representing the petitioner, West
Bengal Central School Service Commission and the
State respondents.

The learned advocate representing the
petitioner submits that first the petitioner applied
for transfer on medical ground on 13th August,
2021 and the same was rejected on 24th August,
2021 by the concerned respondent authorities
since it was found that petitioner was a single
teacher in the subject in the higher secondary
section and in addition thereto it was also found
that the ailment of the petitioner as narrated in her
application seeking transfer on medical ground

does not fulfill the requirement as contemplated under Rule 4(1)(a) of the West Bengal School Service Commission (General Transfer, Transfer On Special Grounds and Reallocation) Rules, 2015 which was amended vide notification dated 8th September, 2021 vide Rule 3. Subsequently, the petitioner applied for general transfer on 13th July, 2022 and the same could not be considered by the concerned respondent authorities on the ground that the petitioner was a single teacher in the subject in higher secondary section.

The learned advocate representing the petitioner submits that the application of the petitioner seeking transfer on medical ground may not conform to the requirements as contemplated under the amended rules but subsequent application of the petitioner dated 13th July, 2022 seeking transfer on general ground needs to be considered in accordance with law.

The prayer of the petitioner seeking transfer on general ground has been opposed by the learned advocate representing the West Bengal Central School Service Commission and the State respondents since petitioner has applied for transfer on medical ground and when such application was not considered petitioner

subsequently applied for transfer on general ground.

Having considered the submissions made on behalf of the parties and on perusal of the relevant materials available on record, it transpires that first application of the petitioner for transfer on medical ground dated 13th August, 2021 could not be considered by the authority since the ailment of the petitioner does not conform to the requirement as contemplated under the amended transfer rules and in addition thereto it was found that petitioner was a single teacher in the subject in higher secondary section.

Thereafter petitioner changed her stand and applied for transfer on the ground of distance which needs to be treated as an application for general transfer and the same was also not considered by the concerned respondent authorities since it was found that the petitioner was a single teacher in the subject in the higher secondary section.

On considering of the facts narrated on behalf of the parties and on perusal of the document which are annexed at pages 18 and 19 of the writ petition it further appears that the petitioner first applied for transfer on medical

ground which was not considered by the authority since petitioner was not found eligible as a result whereof petitioner made an application for transfer on the ground of distance but at the time of consideration of the second application dated 13th July, 2022 the authorities again found that she was a single teacher in the subject in the concerned school. In addition thereto consequent two applications seeking transfer first on medical ground and subsequently on the ground of distance cannot be countenanced.

Accordingly, the writ petition stands dismissed.

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.)