

ML 184
16.07.2024
Ct. No. 18
adeb

W.P.A. 20587 of 2022

**Arpita Singha
Vs.
The State of West Bengal & Ors.**

**Ms. Sabnam Majumder
Ms. Kalpita Paul**

...for the petitioner

Mr. Sourav Mitra

...for the CSSC

**Mr. Mujibar Rahaman
Mr. Abdur Salam**

...for the State

Affidavits of service filed on behalf of the petitioner are taken on record.

In spite of service of notice school authority where petitioner is serving is not represented today.

The learned advocate for the petitioner submits that first application was made by the petitioner seeking transfer on the ground of distance on 19th August, 2021 and the same was rejected by the school authority since petitioner was found to be a single teacher. Petitioner made another application on 16th February, 2022 which has been forwarded by the school authority to the concerned District Inspector of Schools for making local arrangement. In this regard reliance has been placed on a document which is at page 22 of the writ petition. Petitioner prays for necessary direction for consideration of the transfer application of the petitioner which is at

present pending before the concerned District Inspector of Schools.

The learned advocate representing the Commission has opposed the prayer of the petitioner on the ground that Utsashree Portal has been suspended with effect from 29th September, 2022 and in addition thereto provisions as contained under amended Rule 6(2)(c) as contained in the notification dated 8th September, 2021 which does not permit the petitioner to be transferred on the ground of distance if on transfer of the petitioner the number of teacher in the subject of the petitioner would become zero.

Having considered the submissions made on behalf of the parties this Court finds that on 3rd January, 2022 Additional Secretary to the Government of West Bengal, School Education Department had issued a notification empowering to the District Inspector of Schools to make local arrangement which would facilitate transfer of the teachers.

In view of such notification dated 3rd January, 2022 the District Inspector of Schools (SE) Paschim Medinipur being the respondent no. 4 is directed to make an endeavour to make local arrangement in the school where petitioner is presently serving by engaging an willing teacher from a neighbouring school to take classes in absence of the petitioner in the same subject provided willingness is expressed by such teacher till

regular incumbent joins the post which would be created on transferring the petitioner. If such local arrangement is made steps shall be taken on transfer application of the petitioner by the concerned respondent authorities in accordance with law.

With the aforesaid observations the writ petition stands disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)