

Ml- 21.06.2024
177 Ct.18
rkd

W.P.A. 20689 of 2022

Basan Mondal

-vs-

The State of West Bengal & Ors.

Mr. Subhrangsu Panda,
Ms. Mithu Singha Mahapatra,
Ms. Bratati Pramanick

....for the petitioner.

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 and
the West Bengal Central School Service
Commission.

Petitioner is an Assistant Teacher in a
Government aided High School seeking general
transfer on the ground of distance. Petitioner made
an application on 12th August, 2021 on Utsashree
portal but the application of the petitioner for
transfer could not be allowed by the respondent
authorities since it was found that petitioner was a
single teacher in the subject in the school where he
is serving at present.

The learned advocate representing the
petitioner has placed reliance on the notification

dated 3rd January, 2022 and has prayed for direction upon the concerned respondent authorities for taking steps in terms of the provisions as contained in the said notification dated 3rd January, 2022 upon ensuring local arrangement in the school which would facilitate transfer of the petitioner as per his application.

Dr. Partra, learned advocate representing the Commission submits that Utsashree portal was suspended with effect from 29th September, 2022; therefore there is difficulty in considering the application of the petitioner for transfer.

It is also submitted that since petitioner is a single teacher in the subject in the school, petitioner ought not to be permitted to be transferred from his present school.

Having considered the submissions made on behalf of the parties and on perusal of the materials available on record, the writ petition is disposed of directing the concerned District Inspector of Schools (S.E.) to make local arrangement in the subject in the school of the petitioner, if a teacher from a neighbouring school is willing to take classes in the subject of the petitioner on temporary basis in order to facilitate transfer of the petitioner.

If local arrangement is made on taking steps in terms of the notification dated 3rd January, 2022 the concerned respondent authorities shall consider the transfer application of the petitioner in accordance with law and while considering the transfer application suspension of Utsashree portal shall not act as fetter.

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.)