

16 19.11.2024
rkd Ct.18

W.P.A. 20995 of 2024

Ranjit Kumar Ray

-vs-

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya,
Ms. Anita Shaw

....for the petitioner.

Mr. Swapan Banerjee,
Mr. Sougata Mitra

....for the State.

Mr. Sunit Kumar Roy

....for the WBCSSC.

Pursuant to the previous order passed by this Court on behalf of the State respondents a report of the District Inspector of Schools (SE), Uttar Dinajpur being respondent no.3 is filed today and same is taken on record.

On perusal of the report dated 11th November, 2024 of the respondent no.3 this Court expresses dissatisfaction since the issue which was required to be highlighted by filing report in terms of the order of this Court is not found from the said report and the respondent no.3 is directed to be more cautious while filing such report in future before this Court.

However, it has been rightly pointed out by the learned advocate representing the West Bengal Central School Service Commission that the

documents annexed to the report dated 11th November, 2024 issued by the school authority of Shakuntala High School, District- Uttar Dinajpur contains answer which this Court wants to elicit from the respondent no.3.

On perusal of the two letters of the aforesaid school authority both dated 24th August, 2024 addressed to the respondent no.3 which are annexed to the report dated 11th November, 2024 reveals that including the head of the institution there are nineteen teaching staff working in the said school out of which fourteen have applied for transfer and some of them have already been transferred.

However, no case is made out in the writ petition that after transfer of some of the teachers of the aforesaid school new appointments are made. In terms of Rule 5(6) of the West Bengal School Service Commission (General Transfer, Transfer On Special Grounds and Reallocation) Rules, 2015 out of seniority only 10% of the existing teaching staff strength can be allowed to transfer.

Therefore, on applying provision of Rule 5(6) of the aforesaid Rules of 2015 when fourteen teachers have applied for transfer out of nineteen

and petitioner's position is at serial no.8 based on seniority it is found that the petitioner is not coming within the zone of consideration for transfer taking note of the fact that there are altogether nineteen teaching staff.

In view of aforesaid scenario, no relief can be granted to the petitioner at present and accordingly, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to apply for transfer in future if teaching strength of the said school is augmented by fresh appointment.

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.)