

ML 307
03.10.2024
Ct. No. 18
adeb

W.P.A. 20465 of 2023

**Kakali Paria
Vs.
The State of West Bengal & Ors.**

Mr. Shuvro Prakash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal
...for the petitioner

Mr. Sunit Kumar Roy
...for the SSC

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
..for the WBBSE

Mr. Pinaki Dhole
Mr. Avishek Prasad
...for the State

Affidavit of service filed on behalf of the petitioner
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 her place of residence. Petitioner made
application for transfer on Utsashree Portal on 9th
August, 2022 which was not allowed by the respondent
authorities since petitioner was found to be a single
teacher in the subject in the school.

Learned advocate representing the petitioner
submits for petitioner's transfer another writ petition was
filed being WPA 9110 of 2022 which was disposed of by a
coordinate Bench on 28th July, 2022. However, the
directions contained in the order dated 28th July, 2022

according to the petitioner was violated which prompted the petitioner to initiate contempt proceedings and the said contempt proceeding was dropped by passing order on 17th February, 2023 by the coordinate Bench while disposing of the contempt application. The coordinate Bench made adverse observations against the school authority where petitioner is working but it was recorded that the concerned District Inspector of Schools (SE) made requests to at least five nearby schools in search of willing teachers for ensuring local arrangement in the school in terms of Government Notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department. From the final order passed on the contempt petition dated 17th February, 2023 it appears that no observation was made by the coordinate Bench that the conduct of the concerned District Inspector of Schools (SE) was contemptuous.

Taking note of the observations made by the coordinate Bench in the order dated 17th February, 2023 while disposing of the contempt application this Court finds steps were taken by the concerned District Inspector of Schools (SE) in order to find out a willing teacher from neighbouring school to man the post of the petitioner temporarily to facilitate petitioner's transfer till the regular incumbent joins the resultant vacancy but no willing teacher was found.

The order was passed on 17th February, 2023 by the coordinate Bench and in the meantime more than one year has passed. Therefore, today it can safely be concluded that the willing teacher in spite of making efforts could not be found by the concerned District Inspector of Schools (SE). The process which was initiated for transferring the petitioner in terms of Government Notification dated 3rd January, 2022 since could not find any willing teacher the concerned District Inspector of Schools (SE) is not required to take further steps based on the transfer application of the petitioner dated 9th August, 2022.

Accordingly, the writ petition stands disposed of since no further order need be passed on this writ petition.

However, this order shall not preclude the petitioner to make further application seeking transfer in accordance with law in future.

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.)