

19.09.2024
Court No. 18
Item No. 52
(Suvendu)

WPA 20923 of 2022

Manasi Sarder
-Versus-

The State of West Bengal & Ors.

Mr. Arpa Chakraborty
.....for the petitioner

Mr. Sunit Kumar Roy
.....for the WBCSSC

Mr. Sudipto Panda
Mr. Subrata Ghosh
.....for the State

Pursuant to the order dated 3rd September, 2024, report is filed by the District Inspector of Schools (SE), South 24 Parganas dated 17th September, 2024 enclosing staff pattern of the concerned school and same is taken on record.

On perusal of the said report, it appears that at present two Assistant Teachers in English are functioning in the concerned school. One of them is the petitioner. Petitioner has made application on Utshasree portal for transfer on medical ground. School authority has refused to forward transfer application of petitioner to the concerned District Inspector of Schools for taking necessary steps.

On perusal of a document at page 30 of the writ petition, it appears that petitioner was adjudged not eligible to be transferred to another school but reason has not been indicated in the said document.

However, on perusal of the said report of the District Inspector of Schools, it appears that petitioner is neither a single teacher in the subject in the school nor this is a case of transfer on the ground of distance. Since petitioner has applied for transfer on medical ground she is entitled to get benefit of amended Rule 6(2)(e) of the West Bengal School Service Commission (General Transfer, Transfer On Special Grounds and Reallocation) Rules, 2015 as contained in the Government Notification dated 8th September, 2021 whereby other conditions relating to single teacher and more than 10 percent of existing teaching strength who have applied for transfer, stand dispensed with.

In spite of service of notice upon school authority of Sumatinagar Sarat Kumar High School, South 24 Parganas, said school authority remains unrepresented.

In view of aforesaid discussion, the school authority of Sumatinagar Sarat Kumar High

School , South 24 Parganas being respondent no. 6 is directed to forward transfer application of the petitioner to the District Inspector of Schools (SE), South 24 Parganas, being respondent no. 5 by seven days from date of communication of this order. On receipt of transfer application, respondent no. 5 is directed to obtain medical report from the concerned Chief Medical Officer of Health (CMOH) on medical verification of petitioner and if medical report justifies transfer of petitioner, respondent no. 5 shall forward transfer application of petitioner along with medical report to the West Bengal Central School Service Commission for taking final decision. Aforesaid exercise shall be completed by the respondent no. 5 by four weeks from the date of receiving transfer application from the school authority. If transfer application is received by the Commission, the Chairman of the Commission shall decide transfer application within a reasonable time.

The writ petition is accordingly disposed of.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)