

21.06.2024
Sl no. 190 (ML)
Ct no. 18
P.M.

WPA 21057 OF 2022
Sandip Kumar Mandal.
- Vs -
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
... for the petitioner
Mr. Sourav Mitra
... for the Central School Service Commission
Mr. Madan Mohan Roy
... for the respondent No. 6 & 7
Affidavit of service filed by the petitioner is

taken on record.

The writ petition is heard in the presence of learned advocates representing the petitioner, School authority and West Bengal Central School Service Commission.

Learned advocate for the petitioner submits that an application was made by the petitioner being an Assistant Teacher of a Government aided High School on 20th June, 2022 on the ground of distance between the present school of the petitioner and his place of residence.

Attention of this Court has been drawn to a document which is at page 30 of the writ petition where from it appears that the transfer application of the petitioner was not allowed since the petitioner was found as single teacher in the subject in his present school.

On behalf of the petitioner it is submitted that there is a provision for making local arrangement by the concerned District Inspector of Schools in terms of the notification dated 3rd January, 2022.

Learned advocate representing the school authority submits that at present school could not tender no-objection based on the transfer application of the petitioner since the petitioner is a single teacher in the subject and in the event petitioner is transferred without making alternative arrangement academic interest of the students would be jeopardized.

On behalf of the Commission, it is submitted that the Utsasree Portal was suspended with effect from 29th September, 2022, therefore, the concerned authority could not take steps based on the transfer application of the petitioner. Moreover, petitioner was found as single teacher.

Having considered the submission made on behalf of the parties and taking note of the provisions as contained in the notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department, the concerned District Inspector of School (S.E.) is directed to make an endeavour to

ensure local arrangement and if a teacher from a neighbouring school is found to be willing to take classes in the school of the petitioner temporarily, step shall be taken by the concerned respondent authorities for transfer of the petitioner in consideration of the application made on 20th June, 2022. Suspension of Utsasree Portal shall not operate as a fetter in taking decision on the transfer application of the petitioner provided alternative arrangement is made.

With the aforesaid observation this writ petition stands disposed of.

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.)