

02.09.2024
Court No. 18
Item No. 33
(**Suvendu**)

WPA 21372 of 2024

Goutam Saha
-Versus-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. S. Das
.....for the petitioner

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

Mr. Biswabrata Basu Mallick, Ld. AGP
Mr. Biman Halder
.....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 present
school of the petitioner and petitioner's place of
residence.

Learned advocate for the petitioner
submits that an application for transfer was
made by the petitioner on Utshasree portal on
25th August, 2022 and the same was forwarded
by the school authority where petitioner is
presently serving on 27th August, 2022 to the
District Inspector of Schools (SE), North 24
Parganas being respondent no. 3.

Grievance of the petitioner is in spite of receipt of transfer application on the portal respondent no. 3 has not taken any steps and petitioner's transfer application has not been forwarded to the West Bengal Central School Service Commission for final decision. It is also contended on behalf of the petitioner that petitioner is not a single teacher in the school, therefore, there is no impediment in transferring the petitioner to another school based on transfer application dated 25th August, 2022.

West Bengal Central School Service Commission and State respondents are represented by learned advocates who have jointly submitted that contemporaneously decision on transfer application of petitioner could not be taken due to suspension of Utshasree portal with effect from 29th September, 2022.

Having considered respective submissions made on behalf of the parties, writ petition stands disposed of directing respondent no. 3 to take steps on transfer application of petitioner. If respondent no. 3 finds that petitioner is not a single teacher in the subject in the school and embargo relating to transfer of a teacher beyond ten percent of existing teaching staff is not

applicable, respondent no.3 shall forward transfer application of the petitioner upon complying all necessary formalities in accordance with law to the Chairman of the Commission being respondent no. 5 by four weeks from the date of communication of this order and if the transfer application is received by the respondent no. 5 same shall be decided by the said respondent in accordance with law within four weeks thereafter.

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

It is also clarified that transfer application of the petitioner shall not be rejected due to suspension of Utshasree portal.

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

(Saugata Bhattacharyya, J.)