

W.P.A. 21452 of 2024

**Rajdip Chatterjee
Vs.
The State of West Bengal & Ors.**

Mr. Goutam Thakur
Ms. Anandamoyi Ghosh
...for the petitioner

Mr. Sunit Kumar Roy
...for the SSC

Mr. Saibal Acharyya
...for the State

Learned advocate representing the petitioner undertakes to file affidavit-of-service in course of this day.

However, State-respondents and the West Bengal Central School Service Commission are represented by learned advocates.

The learned advocate representing the Commission enters appearance on virtual mode.

Matter relates to transfer of the petitioner from his present school to another school. The learned advocate representing the petitioner has drawn attention of this Court to a document which is at page 99 of the writ petition wherefrom it appears that the concerned District Inspector of Schools (SE), Howrah being respondent no. 8 on finding the petitioner as a single teacher in the subject in the school returned the transfer application of the petitioner to the school authority to find out willing teacher of neighbouring school who can man the post of

the petitioner if the petitioner is transferred. Such step was taken by the respondent no. 8 on 4th September, 2022. The learned advocate for the petitioner relies upon Government notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department, wherein it has been provided that the concerned District Inspector of Schools (SE) is the competent authority to make local arrangement in the school where the applicant teacher is serving by deputing willing teacher of the neighbouring school to facilitate transfer if such willing teacher is available. The grievance of the petitioner is in spite of such notification dated 3rd January, 2022 wrongly the respondent no. 8 returned the transfer application to the school authority where petitioner is serving for making local arrangement which is not permissible.

State-respondents and the West Bengal Central School Service Commission are represented by learned advocates who have submitted that due to suspension of Utsashree Portal with effect from 29th September, 2022 steps could not be taken on transfer application of the petitioner at the material point of time. It is also submitted on behalf of the State-respondents that if transfer application of the petitioner is forwarded to the respondent no. 8 necessary steps can be taken in terms of the notification dated 3rd January, 2022.

Having considered the submissions made on behalf of the respective parties writ petition is disposed of directing the respondent no. 8 to make an endeavour to find out willing teacher of neighbouring school to man the post of the petitioner which would facilitate transfer of the petitioner to another school till regular incumbent joins the resultant vacancy. However, it is also clarified that the respondent no. 8 shall take such steps provided it is a “fit case” to make local arrangement in terms of notification dated 3rd January, 2022.

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.)