

Court No. 18
(265704)

14.11.2024

(AD 23)

(S. Banerjee)

WPA 21936 of 2022

Dipankar Sarkar

Vs.

State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee

Mr. Badrul Karim

Ms. Indrani Roy

...for the petitioner

Mr. Jayanta Samanta

Ms. Mohuya Dutta Biswas

...for the State

Mr. Sourav Mitra

...for the WBCSSC

Affidavit of service filed on behalf of the petitioner in terms of the order dated 26th September, 2024, 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 his place of residence. An application for transfer was made on Utsashree portal on 22nd July, 2022 and the concerned District Inspector of Schools (SE), Malda, being the respondent no. 9, directed the school authority where the petitioner is presently working, to take steps in terms of the Government Notification dated 3rd January, 2022 for transfer of the petitioner. In support of the said submission, reliance is made on a document at page 27 of the writ petition

wherefrom it appears that on 2nd September, 2022, respondent no. 9 made such endorsement. It is submitted on behalf of the petitioner that he is a single teacher in the subject in the school, therefore, it is not the job of the school authority where the petitioner is serving, to take steps, rather the respondent no. 9 is required to take steps in terms of the Government Notification dated 3rd January, 2022.

Today in spite of service of notice, the school authority of Deonapara High School, District – Malda, being respondent nos. 11 and 10, are not represented but the State and the West Bengal Central School Service Commission are represented.

It is submitted on behalf of the respondent authorities today that 3rd January, 2022 notification prescribes certain steps to be taken by the concerned District Inspector of Schools (SE) to facilitate transfer of the petitioner being a single teacher in the said school.

Having considered the respective submission made on behalf of the parties and taking note of the document at page 27 of the writ petition, the writ petition is disposed of by directing the respondent no. 9 to make an endeavor to find out a willing teacher of neighboring school to man the post of the petitioner temporarily till regular incumbent joins. If respondent

no. 9 finds it is a 'fit case' under the said notification dated 3rd January, 2022 for transfer and if willing teacher is found to man the post of the petitioner temporarily, petitioner shall be transferred in accordance with law based on his transfer application.

With the above observations the writ petition stand disposed of.

There shall be no order as to costs.

Urgent photostat certified copies, if applied for, be issued to the parties on compliance of requisite formalities.

(Saugata Bhattacharyya, J.)