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19.07.2024
Ct. No. 18
adeb

W.P.A. 22495 of 2022

**Mainak Tripathi
Vs.
The State of West Bengal & Ors.**

Mr. Kamales Bhattacharya
Mr. Aninda Bhattacharya
...for the petitioner

Mr. S.P. Lahiri
...for the State

Mr. Sourav Mitra
...for the CSSC

Affidavit of service filed on behalf of the petitioner
is taken on record.

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

Matter relates to transfer of the petitioner on the
ground of distance. An application for transfer was made
by the petitioner being an assistant teacher in a
Government aided school on 30th December, 2021 and
while processing the said application the authorities
found the petitioner being single teacher in the subject in
the school.

It has been submitted by Mr. Kamalesh
Bhattacharya, learned counsel representing the
petitioner that since petitioner was found as single
teacher in the transfer application of the petitioner was

not processed. However, reliance has been placed on notification dated 3rd January, 2022 issued by the Additional Secretary, to the Government of West Bengal, School Education Department wherein provision has been made to make local arrangement in the school where petitioner is serving which would facilitate transfer of the petitioner.

Learned advocates representing the State-respondents and the Commission have jointly submitted that apart from the difficulty which the respondents faced since petitioner was found as single teacher in taking steps for transferring of the petitioner there was suspension of Utsashree Portal for which contemporaneously steps could not be taken.

Having considered the submissions made on behalf of the parties and taking note of the notification dated 3rd January, 2022 the concerned District Inspector of Schools (SE), Purba Medinipur is directed to make an endeavour to find out a willing teacher of neighbouring school whose service can be utilized temporarily to take the classes in the subject of the petitioner in the school of the petitioner till regular incumbent joins the post which is to be created on transfer of the petitioner. The concerned District Inspector of Schools is directed to take such steps provided he finds it is a “fit case” for taking steps in terms of the notification dated 3rd January, 2022.

However, it is made clear that the transfer application of the petitioner ought not to be rejected on the ground of suspension of Utsashree Portal.

With the aforesaid observations, the writ petition stands disposed of.

Leave is granted to the learned advocate for the petitioner to amend the cause title of this writ petition in course of this day thereby arraying District Inspector of Schools (SE), Purba Medinipur as additional respondent. Service of notice upon the additional respondent stands dispensed with since the State-respondents are represented by learned advocate

However, 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.)