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25.11.2024
Ct. No. 18
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W.P.A. 22541 of 2022

**Parnali Deb
Vs.
The State of West Bengal & Ors.**

Mr. Shuvro Prakash Lahiri
Ms. Ankita Dey
Mr. Rajesh Naskar
...for the petitioner

Ms. Jhuma Chakraborty
...for the State

Mr. Sourav Mitra
...for the WBCSSC

In spite of service of notice upon the authorities of Rahara Bhabanath Institution for Girls District-North 24 Parganas being respondent nos. 7 to 9 those respondents are not represented.

In terms of previous order dated 4th November, 2024 report is filed by the District Inspector of Schools (SE) Barrackpore, North 24 Parganas being respondent no. 5 and the same is taken on record.

The report of respondent no. 5 accompanies staff pattern of the aforesaid school and it is stated in the report that apart from petitioner there are three teachers in Mathematics one of whom Smt. Suparna Basu is possessing identical qualification like the present petitioner i.e. M.Sc. (Mathematics) B.Ed. In view of availability of assistant teachers in Mathematics in aforesaid school while considering transfer application of

the petitioner she should not have been treated as single teacher in Mathematics in the said school. Therefore, notification dated 3rd January, 2022 need not be pressed into service while deciding the transfer application of the petitioner.

In reference to a document at page 10 of the supplementary affidavit it appears on 16th December, 2022 respondent no. 5 sent back transfer application of the petitioner since local arrangement in the school could not be made in terms of Government Notification dated 3rd January, 2022. Such steps taken by the respondent no. 5 on the anvil of above discussion is found to be erroneous.

Hence, the authority of Rahara Bhabanath Institution for Girls, District-North 24 Parganas being respondent no. 8 is directed to forward transfer application of the petitioner to respondent no. 5 and who in turn on completing formalities shall forward the transfer application to the Chairman, West Bengal Central School Service Commission for taking final decision. Respondent no. 8 shall forward the transfer application of the petitioner by 7 (seven) days from the date of communication of this order and respondent no. 5 on receipt of transfer application after completing formalities shall forward the said transfer application to the Chairman, West Bengal Central School Service Commission by fortnight thereafter. On receipt of

transfer application the Chairman, West Bengal Central School Service Commission shall finally decide the transfer application in accordance with law by 6 (six) weeks from the date of communication of this order. The decision to be taken by the Chairman shall be communicated to the petitioner by 1 (one) week thereafter.

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

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.)