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02.09.2024
Ct. No. 18
adeb

W.P.A. 22657 of 2022

**Kriti Sundar Pramanick
Vs.
The State of West Bengal & Ors.**

Mr. Sambuddha Dutta Mr. Shamit Dutta	...for the petitioner
Dr. Sutanu Kumar Patra Ms. Supriya Dubey	...for the WBCSSC
Ms. Koyeli Bhattacharyya Mr. Bibek Dutta	...for the Board
Mr. Malay Krishna De Mr. Sajal Pandit	...for the State

The report has been called for from the District Inspector of Schools (SE), South 24 Parganas and it has been filed today and taken on record.

From the report dated 16th August, 2024 it appears that petitioner is an assistant teacher in Education in higher secondary section in the school where petitioner is presently working.

Though from the document which is at page 36 of the writ petition it transpires that the school authority raised objection against transfer of the petitioner if petitioner is transferred that would violate the restrictions of transfer as it is beyond 10% of the existing teaching strength of the school as contemplated under 2015 Transfer Rules as amended from time to time but the report of the concerned District Inspector of Schools

which has been filed today dated 16th August, 2024 says the petitioner is a single teacher in Education in the higher secondary section of the school.

It has already been provided in the notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department that in case of single teacher in the subject in a school who is seeking transfer the concerned District Inspector of Schools (SE) is required to make local arrangement to facilitate transfer of the petitioner.

Hence, the District Inspector of Schools (SE), South 24 Parganas being respondent no. 4 is directed to make an endeavour to find out a willing teacher of neighbouring school who can man the post of the petitioner temporarily till regular incumbent joins the resultant vacancy in order to transfer the petitioner to another school. If such arrangement is made by the respondent no. 4 on finding that it is a “fit case” as contemplated under the notification dated 3rd January, 2022 the petitioner shall be transferred to another school. However, before transferring the petitioner the respondent no. 4 shall also satisfy himself that such transfer would not violate the restrictions relating to transfer of teacher beyond 10% of existing teaching staff of the school.

The writ petition stands disposed of.

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.)