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19.09.2024
Ct. No. 18
adeb

W.P.A. 23159 of 2024

**Papia Singha Roy
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari
Sk. Imtiaj Uddin
...for the Petitioner

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
...for the WBBSE

Mr. Rupak Ghosh
Ms. Moumita Karmakar
...for the State

Mr. Kanak Kiran Bandyopadhyay
...for the WBCSSC

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

Matter relates to transfer of the petitioner based on
offline application made on 31st July, 2024. It is
contended on behalf of the petitioner that her husband
died on 1st June, 2022 thereafter she is facing difficulty
in attending the school having a child of five years and
the mother of the petitioner is suffering from cancer. It is
also submitted that she is also facing difficulty while
staying at her in-laws house. Petitioner prays for
consideration of her transfer application in terms of
amended Rule 4(c) as contained in notification dated 8th
September, 2021.

Respondents are represented by learned advocates.

It has been provided in amended Rule 4(c) that the female teacher facing serious problem in attending the school due to divorce or death of husband can be transferred on making application online in the designated portal. In the present case, petitioner has not made application on designated portal in spite of the fact that the husband of the petitioner died on 1st June, 2022 and online portal was kept alive till 29th September, 2022. Furthermore, petitioner attended the school after the death of husband on 1st June, 2022 till date for a period of more than two years which goes to show that there was no serious problem which was faced by the petitioner otherwise she would have applied much before on following the procedure. If today age of the child of the petitioner is five years then at the time of death of husband of the petitioner age of the child was less than three years. If petitioner had attended the school for a period of more than two years today why petitioner is facing “serious problem” as contemplated under amended Rule 4(c) is not demonstrated for passing an order directing the authority to consider offline application of the petitioner seeking transfer.

Hence, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to apply for transfer in future in accordance with law on revival of the portal.

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.)