

08.08.2024
Court No. 18
Item No. 74(ML)
(Suvendu)

WPA 23098 of 2022

Mallika Naskar
-Versus-

The State of West Bengal & Ors.

Mr. Ujjal Ray
.....for the petitioner

Mr. Jayanta Das
Mr. Soumitra Ghosh
.....for the respondent no. 8

Mr. Sunit Kumar Ray
.....for the WBCSSC

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

Since no one is representing State
respondents Mr. Gourav Das, learned advocate
who is present in Court and usually appears on
behalf of the State respondents, is requested to
enter appearance on behalf of the State
respondents. Let engagement of Mr. Gourav Das
be regularized by the office of the learned
Government Pleader.

Grievance of petitioner is failure on the
part of school authority to forward transfer
application of petitioner to the concerned
District Inspector of Schools for taking further
steps.

The learned advocate representing the petitioner submits that general transfer application on the ground of distance was preferred by the petitioner on Utshasree portal on 27th September, 2021 but the same was not forwarded by the school authority.

However, today the learned advocate representing the school authorities of Mayureswar Girls High School, District – Birbhum, being respondent nos. 7 to 9 has placed reliance on a Managing Committee resolution dated 21st August, 2021 and submits that a decision has been taken by the said school authority to forward transfer application of petitioner to the concerned District Inspector of Schools for further steps. Copy of the Managing Committee resolution dated 21st August, 2021 is taken on record.

Having considered the submissions made on behalf of the parties and taking note of the notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department, the writ petition stands disposed of directing the District Inspector of Schools (SE), Birbhum being respondent no. 6 to make endeavor to find out an willing teacher of neighboring school

who can man the post of the petitioner temporarily till regular incumbent joins in the resultant vacancy which is to be created on transfer of the petitioner to facilitate petitioner's transfer provided it is found as "fit case" as contemplated under the said notification dated 3rd January, 2022. If local arrangement is made upon deputing a teacher in the school in place of the petitioner, respondent no. 6 shall forward transfer application of petitioner to the office of the Commission for taking final decision.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)