

Ml- 08.08.2024
78 Ct.18
rkd

W.P.A. 23391 of 2022

Mausumi Mitra

-vs-

The State of West Bengal & Ors.

Mr. Ujjal Ray

....for the petitioner.

Mr. Sourav Mitra

....for the WBCSSC.

Mr. Joydip Banerjee

....for the State.

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

Matter relates to general transfer of the petitioner on the ground of distance in between the present school of the petitioner and her place of residence.

Petitioner submits that first application was made by her on 18th August, 2021 based on which her school authority made an arrangement with the help of the Librarian of the said school who could take the classes of the petitioner after petitioner's transfer but the same was disapproved by the concerned District Inspector of Schools (SE). Such disapproval by the concerned District Inspector of Schools (SE) led the petitioner to make further applications seeking transfer and the last transfer

application was made on 22nd March, 2022 on Utsashree portal. Petitioner prays for appropriate direction upon the concerned District Inspector of Schools (SE) for making local arrangement in terms of the Government notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department.

State respondents and the West Bengal Central School Service Commission are represented by learned advocates.

It has been submitted on behalf of the State that based on previous application for transfer of the petitioner the school authority decided to permit the Librarian of the school to take classes in the subject of the petitioner which could have facilitated transfer of the petitioner but such arrangement which was decided to be effected based on transfer application of the petitioner was rejected by the concerned District Inspector of Schools (SE). According to the school authority due to disapproval of the arrangement no further steps could be taken.

Having considered the submissions made on behalf of the parties and on perusal of the materials available on record it appears that

petitioner has subsequently made an application on 22nd March, 2022 seeking transfer on the ground of distance and the same is pending before the school authority.

Since under 3rd January, 2022 notification concerned District Inspector of Schools (SE) is authorized to make endeavour to ensure local arrangement in the school, the school authority being respondent nos.7 to 9 are directed to forward the transfer application of the petitioner to the District Inspector of Schools (SE), Jhargram being respondent no.5 by seven days from the date of communication of this order.

Since petitioner is a single teacher in the subject the respondent no.5 is directed to find out a willing teacher of a neighbouring school to man the post of the petitioner temporarily to facilitate transfer of the petitioner.

If a teacher of neighbouring school can be deputed in place of the petitioner subsequent steps shall be taken by the respondent no.5 for transferring the petitioner in accordance with law.

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.)