

ML 81
12.08.2024
Ct. No. 18
adeb

W.P.A. 23556 of 2022

Babhrabi Mandal
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
...for the Petitioner

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

Mr. Sunit Kr. Roy
...for the SSC

Mr. Biswajit De
Ms. Rajlakshmi Ghatak
...for the State

Affidavit of service filed in terms of the previous order dated 19th July, 2024 is taken on record.

In spite of service of notice upon Jamtala Bhagaban Chandra Higher Secondary School, District-South 24 Parganas being respondent nos. 5 and 6 those respondents are not represented today.

The grievance of the petitioner is in spite of making transfer application on the Portal on 27th September, 2022 the same was not forwarded by the aforesaid school authority on the ground that the Utsashree Portal was suspended vide a memo dated 29th September, 2022. Petitioner prays for necessary direction upon the school authority to forward the transfer application to the concerned District Inspector of Schools (SE) for taking

steps on her transfer application dated 27th September, 2022.

Respondents excepting the school authority are represented by learned advocates.

Having considered the submissions made on behalf of the parties it appears that the grievance ventilated by presenting this writ petition is solely against the aforesaid school authority for its failure to forward transfer application to the concerned District Inspector of Schools (SE) South 24 Parganas being respondent no. 4. The reason which has been endorsed by the aforesaid school authority as it appears from the document at page 23 is suspension of Utsashree Portal vide a memo dated 29th September, 2022. It has been decided by this Court as well as by the Hon'ble Division Bench that right to apply for transfer and to be considered for transfer is a statutory right in terms of the Transfer Rules 2015 and amendments made thereunder. Therefore, such right of the teachers cannot be curtailed on mere suspension of Utsashree Portal. Therefore, the reason which has been assigned by the said school authority for not forwarding petitioner's transfer application to the higher authority is found to be not tenable.

Hence, the writ petition is disposed of directing head of the institution being respondent no. 5 to forward the transfer application of the petitioner to the respondent no. 4 by 7 (seven) days from the date of

communication of this order. On receipt of transfer application the respondent no. 4 shall take steps in accordance with law for processing the transfer application if it is found that the transfer application requires consideration.

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.)