

ML 82
12.08.2024
Ct. No. 18
adeb

W.P.A. 23561 of 2022

Pallabi Dutta
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
...for the petitioner

Mr. Suman Dey
..for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the WBCSSC

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

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

In spite of service of notice upon the school
authority of Ramchandra Khali Narendra Siksha Niketan
(HS) District-South 24 Parganas being respondent nos. 5
and 6, those respondents are not represented. Report
has been filed on behalf of the District Inspector of
Schools (SE) South 24 Parganas being respondent no. 4
which was affirmed on 7th August, 2024 and same is
taken on record.

On perusal of the report it appears that altogether
there are three assistant teachers in English in the
aforesaid school including the petitioner. However,

petitioner is working as an assistant teacher in English in higher secondary section.

If Court proceeds on the premise that petitioner is only assistant teacher in English in higher secondary section in that event too she should not be treated as a single teacher in English in the school in view of presence of two other teachers.

However, on perusal of a document at page 32 of the writ petition it appears that the school authority forwarded the transfer application of the petitioner on the ground of distance to the respondent no. 4 on 22nd April, 2022 with an endorsement that petitioner is only assistant teacher in English. The respondent no. 4 in his turn has forwarded the transfer application to the West Bengal Central School Service Commission for taking final decision.

Having perused the relevant materials available on record and in taking note of the report filed on behalf of respondent no. 4 the writ petition stands disposed of directing the Chairman, West Bengal Central School Service Commission being respondent no. 3 to take decision on the transfer application of the petitioner by 4 (four) weeks from the date of communication of this order and the decision to be taken by the respondent no. 3 shall be communicated to the petitioner by 1 (one) week thereafter.

It is made clear that suspension of Utsashree Portal shall not be ground for rejecting transfer application of the petitioner. It is also clarified that the observation made by the aforesaid school authority that petitioner is a single teacher in English in the school shall also not to be taken into consideration while deciding petitioner's transfer application.

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.)