

15 05.12.2024
rkd Ct.18

W.P.A. 24425 of 2024

Sudip Nath

-vs-

The State of West Bengal & Ors.

Mr. Shuvor Prokash Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal

....for the petitioner.

Mr. Sayantan Samanta,
Mr. Nabhajit Prasad Bari,
Ms. Subhra Nag

....for the respondent no.5.

Mr. Kanak Kiran Bandyopadhyay

....for the WBCSSC.

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

Petitioner made an application on Utsashree portal on 14th March, 2022 and it is submitted by the learned advocate representing the petitioner that on 11th May, 2022 concerned District Inspector of Schools (SE) has forwarded the transfer application of the petitioner to the West Bengal Central School Service Commission for taking final decision.

It is also submitted that petitioner is not a single teacher in Physics in Bishrail High School (HS), District- Dakshin Dinajpur since there is another teacher named Tuhin Deb who is

functioning as an Assistant Teacher in Physical Science in normal section of the school where as petitioner is an Assistant Teacher in Physics in higher secondary section.

It is also submitted that said Tuhin Deb is possessing M.Sc. degree in Physics and is capable of taking classes in higher secondary section in the aforesaid school. It is further submitted that there is no student having combination subject Physics in higher secondary section for last three years. Therefore, it is submitted on behalf of the petitioner that petitioner ought not to be treated as a single teacher in the subject in the school and his application for transfer should be decided immediately.

In terms of the previous orders passed by this Court a report has been filed by Assistant Inspector of Schools (SE), Gangarampur Sub-Division, District- Dakshin Dinajpur wherein it is stated that there are 23 Assistant Teachers working in the school apart from Headmaster. Staff pattern is enclosed to the report wherefrom it appears that petitioner is an Assistant Teacher in Physics in higher secondary section whereas said Tuhin Deb is an Assistant Teacher in Physical Science in normal section.

Said report is taken on record.

West Bengal Central School Service Commission is represented by learned advocate.

On perusal of the document at page 31 of the writ petition since it appears that on compliance of formalities District Inspector of Schools (SE), Dakshin Dinajpur has already forwarded the transfer application to the Commission, the Chairman, West Bengal Central School Service Commission being respondent no.4 is directed to decide the transfer application of the petitioner in accordance with law within a period of eight weeks from the date of communication of this order and the decision shall be communicated to the petitioner by one week thereafter.

While taking such decision respondent no.4 shall consider whether petitioner is a single teacher in Physics in the school or not.

However, it is clarified that if another teacher is there in the school having identical qualification of M.Sc. in Physics and working in normal section then petitioner shall not be adjudged as single teacher.

Transfer application of the petitioner shall not be rejected on the ground of suspension of portal.

The writ petition stands disposed of.

However, 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.)