

22 27.11.2024
rkd Ct.18

W.P.A. 24433 of 2024

Achintya Podder

-vs-

The State of West Bengal & Ors.

Mr. Shubro Prokash Lahiri,
Mr. Rajesh Naskar,
Mr. Aankan Mondal

....for the petitioner.

Ms. Jhuma Chakraborty,
Ms. Rupsa Chakraborty

....for the State.

Mr. Sunit Kumar Roy

....for the WBCSSC.

In terms of the order dated 3rd October, 2024 a report has been furnished by the District Inspector of Schools (SE), Bankura dated 5th November, 2024 and the same is taken on record.

On perusal of the said report, it appears that the school namely Chhilimpur Junior High School, Bishnupur, Bankura is a newly set up Junior High School having four class units i.e. V, VI, VII & VIII. By adding a table classwise roll strength of the said school is indicated. In academic year, 2024 there are 132 students and in Class-V, Class-VI, Class-VII and Class-VIII 14, 44, 42 and 32 students are studying respectively. Out of five sanctioned strength at present three teachers including petitioner is working.

It is submitted by learned advocate representing the petitioner that an application was made on Utsashree portal on 19th May, 2022 since wife of the petitioner was suffering from gynecological disorder. It is also submitted that on 14th July, 2022 transfer application was forwarded by the concerned District Inspector of Schools (SE), Bankura to the West Bengal Central School Service Commission for taking decision. Due to suspension of portal decision could not be taken.

It is true that suspension of portal cannot take away the right of an applicant teacher to be transferred since such right is conferred by statutory provisions. Therefore, suspension of portal ought not to be a ground for not considering the transfer application of the petitioner.

After calling for report from the concerned District Inspector of Schools (SE) this Court finds if petitioner is transferred being one of the three teachers then it would be hardly possible for rest of the two teachers to run the school. Since two teachers cannot manage four class units at a time. It has already been alluded above that the roll strength of the school is quite robust.

This Court also finds that till date petitioner is working in the school after preferring an

application on Utsashree portal on 19th May, 2022 and in the meantime more than two years have passed. It is not the case of transfer of the petitioner since petitioner himself is suffering from serious ailment rather it is a case of transfer on medical ground since wife of the petitioner is suffering gynecological disorder.

This court being a court of equity has to strike a balance in between the necessity to consider the transfer application of the petitioner as well as academic interest of the students who are studying in the said school. Since petitioner has been waiting for more than two years to get transferred this Court finds it apt not to allow the transfer application at this stage till fresh appoints are made in the school.

Hence, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to apply for transfer afresh in accordance with law after augmentation of teaching strength in the school.

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

(Saugata Bhattacharyya, J.)