

44.
10-12-2024
(Ct. no.18)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
APPELLATE SIDE**

WPA 25144 of 2024

**Shilpi Oraw
Vs.
The State of West Bengal & Ors.**

Mr. Anindya Bose,
Mr. Santanu Maji,
Mr. Subhayu Das

... For the Petitioner.

Mr. Biswabrata Basu Mallick, learned A.G.P.,
Mr. Biman Halder

... For the State.

Mr. Sunit Kumar Roy

... For the SSC.

1. Matter relates to transfer of the petitioner based on her transfer application dated 11th February, 2022 which was made on Utshashree Portal seeking transfer on the ground of the distance in between the present school of the petitioner and her place of residence.

2. In terms of previous order, a report has been filed by the District Inspector of Schools (Secondary Education), North 24 Parganas, being respondent no.8, dated 9th December, 2024 and the same is taken on record. From the said report, it appears that though four teachers were transferred from the school of the petitioner, but altogether three teachers have joined the school on transfer on different dates. Therefore, it is not a situation that after transfer of four teachers from the school of the petitioner, there is no augmentation of teaching strength in the school. In addition thereto, it appears from a letter

dated 6th December, 2024 of the Teacher-in-Charge of the school, addressed to the respondent no.8, that in connection with the second transfer application of the petitioner dated 11th February, 2022, the school authority found that at that material point of time, there were 41 Assistant Teachers, out of which two teachers applied for transfer and the petitioner was one of them who was adjudged to be placed at the first position on applying rules relating to 10% of the existing teaching strength as contemplated under Rule 5(6) of the Transfer Rules of 2015.

3. In view of the report submitted on behalf of respondent no.8 as well as the letter dated 6th December, 2024 of the Teacher-in-Charge of the school appended to the said report, it appears that there were cases of transfer from the school of the petitioner, but at the same time, school authority, on applying embargo relating to 10% of teaching strength, found that the petitioner's transfer application dated 11th February, 2022 can be allowed. As a result whereof, transfer application of the petitioner was forwarded to the respondent no.8 on 21st May, 2022 on conveying 'no objection'. Subsequently on 13th June, 2022 within the lifetime of the portal, respondent no.8 forwarded the transfer application of the petitioner to the West Bengal Central School Service Commission for taking final decision.

4. In the aforesaid conspectus, this Court does not find any impediment in giving direction upon the Chairman, West Bengal Central School Service Commission, to take decision on transfer application of the petitioner. Hence, 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 decision thereto to be communicated to the petitioner within one week thereafter.

5. It is made clear that suspension of portal shall not be a ground for rejection of the transfer application of the petitioner.

6. The writ petition stands disposed of. There shall be no order as to costs.

7. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

(Saugata Bhattacharyya, J.)