

14.11.2024
Court No. 18
Item No. 05
(Suvendu)

WPA 25536 of 2024

Susmita Mandal

-Versus-

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya

Ms. Anita Shaw

...for the petitioner

Mr. Kanak Kiran Bandyopadhyay

.....for the WBCSSC

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

An application for transfer was made on Utshasree portal on 12th August, 2021 but same could not be processed for forwarding to West Bengal Central School Service Commission for taking decision finally since petitioner was found to be a single teacher in the subject in the school.

During course of hearing, attention of this Court has been drawn to a memo dated 21st April, 2022 issued by the District Inspector of Schools (SE), Malda enclosing list of teachers

seeking transfer for whom local arrangement was required to be made in terms of Government Notification dated 3rd January, 2022. Petitioner prays for direction upon respondent authorities which would facilitate her transfer in consideration of transfer application dated 12th August, 2021.

West Bengal Central School Service Commission is represented by learned advocate who has submitted that unless application is forwarded by the office of the District Inspector of Schools (SE), Malda no step can be taken to decide transfer application of the petitioner.

Since petitioner was found to be single teacher in the subject in the school this Court is required to find out whether steps have been taken by the District Inspector of Schools (SE), Malda to make local arrangement in order to facilitate petitioner's transfer. This Court has found that the District Inspector of Schools (SE), Malda issued memo dated 21st April, 2022 enclosing a list containing names of teachers including petitioner whereby request was made to the schools to find out willing teacher who can man the post of applicant-teacher.

Vide said memo dated 21st April, 2022, request was also made by the concerned District Inspector of Schools (SE) to the school authority of the petitioner to request neighbouring schools to forward name of willing teacher who can man the post of the petitioner temporarily in considering petitioner's transfer application.

In view of the steps taken by the concerned District Inspector of Schools (SE) as it emanates from memo dated 21st April, 2022, it cannot be concluded that the concerned District Inspector of Schools sat idle over the issue. Had it been a case that no step was taken by the concerned District Inspector of Schools in terms of Government Notification dated 3rd January, 2022 matter could have been dealt with otherwise.

In view of aforesaid situation, the writ petition stands disposed of with observation that if willing teacher is found who can man the post of the petitioner temporarily till regular incumbent joins the post, petitioner shall be transferred in accordance with law.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)