

M/L 683
01.5.2024
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 24872 of 2023

Sarmistha Dey
Vs.
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee

...for the Petitioner.

Mr. K.N. Nabi

Mr. Kushal Biswas

...for the State.

Affidavit of service filed on behalf of the petitioner is kept with the record.

The petitioner is an Assistant Teacher at Amberia Junior High School of the subject Mathematics.

The petitioner has prayed for general transfer on the ground that the school is 85 kilometres away from her residence and she has a small child to look after.

The Commissioner of School Education, Government of West Bengal, the respondent no. 9 herein, by the impugned Memo dated April 11, 2022 has rejected the said prayer with the following reasons:-

“The petitioner has mentioned long distance between her residence and the school as a ground of her transfer. But, the petitioner did not make any separate application seeking transfer on distance ground. However, the aforesaid General Transfer Rules 2015 reveal that ten percent of the applications for general transfer on this special ground shall be considered in a year on receiving applications after publication of notice of General Transfer. It is fact that the Commissioner of School Education did not make any such notification inviting application for general transfer on distance ground. So, in this circumstance, the prayer for transfer

on the ground of long distance could not be granted. Therefore, no relief can be given to the petitioner regarding her prayer for general transfer and the prayer is hereby regretted.”

This Court does not find any illegality and/or infirmity in the impugned Memo warranting interference.

WPA 24872 of 2023 is dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)