

W.P.A. 26548 of 2024

**Debalina Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
Mrs. Sudipta Pramanik

...for the Petitioner

Ms. Munmun Tewari
Mr. Satyajit Mahata

...for the State

Mr. Sourav Mitra

...for the WBCSSC

Matter relates to transfer of the petitioner on the ground of distance in between the present school of the petitioner and her place of residence. Petitioner made last application for transfer on Utsashree portal on 11th March, 2022 which was forwarded by the school authority where petitioner is presently working to the concerned District Inspector of Schools (S.E.), Malda being respondent no.3 but subsequently, respondent no.3 sent back the transfer application of the petitioner on 13th July, 2022 with an observation on the portal that the school authority shall not forward the applications seeking transfer if the same is beyond 10 per cent of the existing teaching strength of the school.

A communication dated 18th November, 2024 issued by the respondent no.3 is placed before this court enclosing certain documents wherefrom it appears that in connection with the first transfer application of the

petitioner she was found to be third senior most applicant and her application was within 10 per cent of the existing teaching strength of the school. However, first transfer application of the petitioner was not allowed since preferred vacancies as indicated by the petitioner in her transfer application were not available which led the petitioner to prefer another transfer application on 11th March, 2022 on Utsashree portal. Meanwhile, out of 28 teachers 2 teachers were permitted to take transfer and petitioner since in connection with her first transfer application was adjudged to be a third senior most teacher within the 10 per cent of the existing teaching strength of the said school, this court finds no difficulty in giving direction upon the concerned respondent authorities to process the transfer application of the petitioner and to forward the same to the West Bengal Central School Service Commission for taking final decision. It is not a case that apart from two other teachers any other teacher has taken transfer from the said school, therefore, in the event embargo relating to 10 per cent of the existing teaching strength is applied, petitioner ought not to be treated as ineligible for transfer.

Pursuant to the previous order, notice has been served upon the authority of Joyenpur High School, Malda and affidavit-of-service is filed today on behalf of the petitioner and the same is taken on record. In spite of

service of notice said school authority is not represented today. However, other respondents are represented by the learned advocates.

In view of aforesaid discussions, writ petition stands disposed of directing the respondent no.3 to forward transfer application of the petitioner to the West Bengal Central School Service Commission by seven days from the date of communication of this order and on receipt of the same, the Chairman of the West Bengal Central School Service Commission being respondent no.5 is directed to decide the transfer application of the petitioner in accordance with law within a period of six weeks thereafter and the decision to be communicated to the petitioner by one week thereafter.

It is made clear that suspension of portal shall not be a ground to reject transfer application of the petitioner.

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

(Saugata Bhattacharyya, J.)