

20.11.2024
Court No. 18
Item No. 07
(Suvendu)

WPA 26860 of 2024

Rajkumar Mondal
-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
.....for the petitioner

Mr. Sourav Mitra
.....for the WBCSSC

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja
.....for the WBBSE

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
.....for the State

Affidavit of service filed on behalf of the
petitioner is taken on record.

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

Petitioner made application for transfer on
Utshasree portal and ultimately same was sent
back by the concerned District Inspector of
Schools (SE) on 26th September, 2022 to the
concerned school authority with direction that
transfer application shall be kept pending before

the school authority where petitioner is presently working till substitute teacher is available in terms of memo dated 22nd September, 2021.

Learned advocate representing the petitioner submits that the concerned District Inspector of Schools (SE) took steps lastly on 26th September, 2022 in connection with transfer application of the petitioner by referring Government memo dated 22nd September, 2021, as it appears from the document at page 16 of the writ petition. The concerned District Inspector of Schools ought to have followed and referred Government Notification dated 3rd January, 2022 instead of previous Government memo dated 22nd September, 2021. It is also submitted on behalf of the petitioner that petitioner is a single teacher in the subject in the school, therefore, Government Notification dated 3rd January, 2022 is required to be pressed into service by making effort to ensure local arrangement by finding out a willing teacher from neighbouring schools to facilitate transfer of the petitioner and such effort is to be made not by the school authority but by the concerned District Inspector of Schools.

Respondents are represented by learned advocates and it has been submitted jointly that it is the duty of the concerned District Inspector of Schools to take steps in terms of Government Notification dated 3rd January, 2022 to facilitate transfer of the petitioner.

Having considered the submissions made on behalf of the parties, writ petition stands disposed of directing District Inspector of Schools (SE), South 24 Parganas, being respondent no. 4 to make endeavour to find out willing teacher from neighbouring schools to man the post of the petitioner till regular incumbent joins the resultant vacancy after petitioner's transfer. If willing teacher is available and it is found that the present case is a "fit case" in terms of notification dated 3rd January, 2022, respondent no. 4 shall take steps for transfer of the petitioner.

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.)

