

04.09.2024
ML.106
Ct. No.18
PP

WPA 28033 of 2022

Dipankar Dutta
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das
... for the petitioner.

Mr. Sunit Kumar Ray
....for WBCSSC.

Ms. Soma Ghosh
....for the respondent nos.5 & 6.

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

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

The learned advocate representing the petitioner submits that the first application was made on 23rd November, 2021. The same reached the office of the Commission, but the petitioner did not come within the zone of consideration for being transferred to his preferred school as indicated in the said transfer application. Petitioner ranked 4th in the list. Subsequently, petitioner made another transfer

application on the portal on 13th April, 2022, but the same has not been considered by the concerned respondent authorities since the petitioner was found as single teacher in the subject in that school.

Notice of this Court has been drawn at page 41 of the writ petition, wherefrom it appears that in connection with one of the previous transfer applications the concerned District Inspector of Schools (S.E.), South 24-Parganas, being the respondent no.2, directed the school authority where the petitioner is presently working not to forward the transfer application of the petitioner till substitute teacher is found and local arrangement is made in terms of Government Notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department.

It is the contention on behalf of the petitioner that since he is the single teacher in the subject in the school, efforts should be made by the respondent no.2 to make local arrangement on finding a willing teacher from neighbouring school.

In spite of service of notice, State respondents are not represented today.

However, school authority and the West Bengal Central School Service Commission are represented by learned advocates.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of directing the respondent no.2 to make an endeavour to find out willing teacher of neighbouring school who can be deputed in place of the petitioner temporarily till regular incumbent joins the resultant vacancy after transfer of the petitioner. If willing teacher is found and the respondent no.2 finds that it is a "fit case" as contemplated under Government Notification dated 3rd January, 2022, petitioner shall be transferred to another school in accordance with law.

There will be no order as to costs.

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

(Saugata Bhattacharyya, J.)