

03.12.2024
Ct. No. 18
Sl. No. 14
tbsr

WPA 28341 of 2024

**Papiya Biswas
Vs.
The State of West Bengal & Ors.**

Mr. S. P. Lahiri
....for the petitioner

Mr. Swapan Banerjee
Mr. Soumen Chatterjee
....for the State

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

By presenting this writ petition challenge has
been thrown to the order dated 27th June, 2024 passed
by the District Inspector of Schools (SE) Purba
Bardhaman being respondent no. 5.

It is submitted that such order was passed in
terms of the order dated 27th February, 2024 passed by
the Hon'ble Division Bench on an Intra Court Appeal
being MAT 298 of 2024 (Papiya Biswas Vs. State of West
Bengal and Others.). It is further submitted on behalf of
the petitioner that by passing impugned order dated 27th
June, 2024 respondent no. 5 concluded the exercise
relating to transfer of the petitioner on making local
arrangement in present school of the petitioner by
deputing another teacher from a neighbouring school.
But alternative teacher was not found in terms of

notification dated 3rd January, 2022 issued by the Additional Secretary to the Government of West Bengal, School Education Department.

Respondents are represented by learned advocates.

It is submitted on behalf of the Central School Service Commission that as per the order passed by a Co-ordinate Bench on 9th January, 2024 on a writ petition being WPA 19212 of 2023 petitioner's transfer application should be treated as an application made on distance not on medical ground.

Having considered the respective submissions made on behalf of the parties and taking note of the observations made by the Hon'ble Division Bench in the order dated 27th February, 2024 this Court finds that respondent no. 5 has made an exercise to find out willing teacher of neighbouring school to man the post of the petitioner temporarily till regular incumbent joins the resultant vacancy. Therefore, it appears that respondent no. 5 has complied with the order passed by the Hon'ble Division Bench on 27th February, 2024.

In considering aforesaid notification dated 3rd January, 2022 this Court directs the respondent no. 5 to make further endeavour to find out willing teacher of neighbouring school who can function in place of the petitioner if petitioner is permitted to take transfer. If

willing teacher is found in future petitioner shall be transferred in accordance with law.

The writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Saugata Bhattacharyya, J.)