

W.P.A. 28327 of 2022

**Uma Bhaumik Barman
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
...for the petitioner
Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
..for the WBBSE
Mr. Sunit Kumar Roy
....for the SSC
Mr. Manas Kumar Das
...for the respondent nos. 5 & 6
Ms. Manika Pandit
...for the State

In terms of the order dated 4th September, 2024 report in the form of affidavit has been filed on behalf of District Inspector of Schools (SE) Murshidabad being respondent no. 4 today and the same is taken on record.

From the said report it appears that the respondent no. 4 has relied upon a Government Memorandum dated 22nd September, 2021 issued by the Commissioner of School Education, West Bengal in the case of transfer of an applicant teacher who is found to be a single teacher in the subject in the school.

However, it has been rightly pointed out by the learned advocates representing the petitioner and the West Bengal Central School Service Commission that after the memorandum dated 22nd September, 2021

another notification has been issued on 3rd January, 2022 by the Additional Secretary to the Government of West Bengal, School Education Department wherein it has been provided that the concerned District Inspector of Schools (SE) is required to take steps for making local arrangement in the school for facilitating transfer of the petitioner to another school if the applicant teacher is found to be a single teacher in the subject.

Having considered the respective submissions made on behalf of the parties this Court finds that there is substance in the contentions made on behalf of the petitioner as well as the West Bengal Central School Service Commission. The respondent no. 4 is required to take steps in terms of the notification dated 3rd January, 2022 instead of placing reliance on the previous memorandum dated 22nd September, 2021. The respondent no. 4 is directed to make an endeavour to find out a willing teacher of neighbouring schools who can man the post of the petitioner temporarily till the regular incumbent joins the resultant vacancy. If the respondent no. 4 finds it is a “fit case” in terms of notification dated 3rd January, 2022 and in the event willing teacher is found who can function in place of the petitioner, the petitioner shall be transferred based on her transfer application made on the Portal to another school.

With the aforesaid observations, the writ petition stands disposed of.

There shall 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.)