

05-02-2024
ct no. 13
Sl. 26
sp

WPA 28804 of 2023

Fatema Tujjohora

-Versus-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das

...for the petitioner

Mr. Pradip Kuma Mondal,
Mr. Bishnupada Jana

...for the State

Mr. Arjun Roy Mukherjee,
Mr. S. Mukherjee

...for the respondent nos. 2 to 4.

1. The petitioner seeks transfer from Malda to Murshidabad district, since her marital home is located at Murshidabad. The petitioner also submits that her child born out of the new wedlock is suffering from ailments.
2. Mr. Arjun Roy Mukherjee, learned counsel for the respondent no. 2 submits that the para teachers are recruited to a specific school, and based on the pupil teacher ratio under the RTE Act.
3. It is only in extreme cases that intra-district transfer is at all considered. There is as such no policy for transfer of any para teacher in any part of the State. If

the petitioner wants the inter district transfer, her application cannot be considered.

4. No relief can, therefore, be granted to the petitioner.
5. However, since intra-district transfer may be permitted that too in extreme cases involving extreme hardship, the petitioner may apply afresh before the DEO, Malda for an appropriate intra-district transfer, within Malda.
6. The consideration by the DEO shall have due regard to the requirement of the petitioner's school and the proposed transferee school shall not in any event be treated as a precedent. This order should not be treated as any mandatory direction on the DEO to all transfer as prayed by the petitioner.
7. With the aforesaid observations, the instant writ petition shall stand disposed of.
8. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)