

CALCUTTA HIGH COURT IN THE CIRCUIT BENCH  
AT JALPAIGURI

12  
13.02.2024  
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WPA 166 of 2024

Sneha Das  
Vs.  
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury  
Mr. Gopal Roy

...for the petitioner

Mr. Sunit Roy

...for the School Service

Mr. Subir Kr. Saha  
Ms. Bedashruti Bose

...for the State

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

Petitioner made an application on Utshashree  
Portal for her transfer to another school which could  
not be processed since petitioner was single teacher  
in Education in the Higher Secondary Section in  
Kabi Sukanta High School. Subsequently, writ  
petition was filed at the instance of the petitioner  
being WPA 2924 of 2022 which was disposed of on  
8<sup>th</sup> June, 2023 wherein the order passed against the  
petitioner was set aside and the concerned District  
Inspector of Schools (SE) was directed to consider  
the application of the petitioner for transfer afresh if  
necessary, on making enquiry relating to local  
arrangement for entrusting duty of the petitioner  
with another teacher working in neighbouring  
school in order to facilitate transfer of the petitioner.

During course of hearing, learned advocates representing the parties have drawn attention of this Court to the memo dated 4<sup>th</sup> October, 2023 issued by the concerned District Inspector of Schools (SE), Siliguri and another memo dated 12<sup>th</sup> September, 2023 issued by the Deputy Director of School Education, West Bengal from which it emanates that local arrangement was made whereby one Shri Manik Chandra Das was willing to take classes of the petitioner in her school in addition to the regular work load being the teacher of another school. However, grievance of the petitioner is against the memo dated 29<sup>th</sup> November, 2023 whereby the concerned authority of West Bengal Central School Service Commission refused to transfer the petitioner to her preferred school as indicated in the application due to want of vacancies. Such memo of the concerned authority of the Commission dated 29<sup>th</sup> November, 2023 is at page 29 of the writ petition against which this writ petition is preferred.

It has been contended on behalf of the petitioner if timely steps would have been taken for making local arrangement on inducting a teacher of another school to take her classes then petitioner could have been transferred to one of her preferred school but due to delay made by the respondent

authorities in effecting local arrangement the posts have been filled up.

Having considered the submissions made on behalf of the petitioner and taking note of the contents of the memo dated 29<sup>th</sup> November, 2023 of the Commission it appears due to filling up of the posts in the schools where petitioner sought transfer as per preference by submitting application on Utshashree Portal, at present application of the petitioner for transfer cannot be processed.

However, the writ petition stands disposed of upon granting leave to the petitioner to make application for transfer in accordance with law following the procedure and if such application for transfer is made it is expected that the respondent authority shall take steps in accordance with law in order to process the transfer application of the petitioner.

However, 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.)**