

Item no.10
22.04.2024
Saswata

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

WPA 839 of 2024

**Sonika Yadav
-versus
The State of West Bengal & Ors.**

Mr. Shuvro Prakash Lahiri
Mr. Debajit Kundu

...For the Petitioner.

Mr. Pretom Das
Mr. Nabankur Paul

...For respondent nos. 1,5
& 6

1. The present writ application has been filed, inter alia, challenging rejection of the petitioner's transfer application as reflected in the online portal of the authorities.
2. Mr. Lahiri, learned advocate appearing for the petitioner, by drawing attention of this Court to page 37 of the writ application submits that from the online portal of the respondents it would appear that the petitioner's application for transfer was taken up for consideration by the authorities on 13th August 2021 and the following observations were made:

"As decided in the meeting convened under the aegis of SED, GoWB on 26/08/21, 3 pm at Bikash Bhaban, the recommendation(s) for transfer can not be issued, at this stage, in cases

where there is a single teacher in the concerned subject.”

3. It is submitted that the petitioner’s application for transfer has been rejected on the ground that the petitioner is a single subject teacher. According to him the aforesaid cannot form cogent ground for the rejection of the application for transfer. By placing reliance on an unreported judgment delivered by the Division Bench of this Court in MAT 2061 of 2023, in the case of ***Rupanjan Das versus State of West Bengal & Ors.***, dated 13th December 2023 it is submitted that in an identical set of facts the Division Bench of this Court had held that rejection of an application for transfer on the ground that the person is a single subject teacher, cannot constitute valid ground to deny transfer.
4. It is submitted that the Hon’ble Division Bench of this Court while setting aside the order of rejection passed on identical grounds, had also directed the West Bengal Central School Commission to take up the application of the applicant for transfer in the said case through offline mode, inasmuch as the process for dealing with transfer through online mode had been temporarily suspended.

5. It is submitted that the petitioner being similarly placed with that of the appellant in MAT 2061 of 2023, similar benefits should be afforded to the petitioner.
6. Mr. Das, learned advocate representing the respondent nos. 1,5 and 6 submits that by reasons of genuine difficulty being faced by the respondents, the transfer application of the petitioner was rejected. He submits that only in the event of a suitable replacement, that the petitioner's application for transfer can be taken up for consideration.
7. Heard the learned advocates appearing for the respective parties and considered the materials on record. In the instant case, I find that the petitioner's case is similarly situated with that of ***Rupanjan Das (Supra)***, wherein it was observed that a single subject teacher cannot be a ground for denying transfer if the petitioner is able to fulfill the other conditions. It is true that there may be various circumstances which may be exceptional and unique to the petitioner for considering her case for transfer, namely long distance, medical ground and other issues.
8. Having regard to the aforesaid, I am of the view that the petitioner cannot be denied the similar

benefits as granted in favour of the appellant in the case of ***Rupanjan Das (Supra)***.

9. In view thereof, I direct the West Bengal Central School Commission to reconsider the petitioner's case for transfer through offline mode, as the online portal is temporarily suspended and to take necessary steps for considering the transfer application in accordance with the transfer rules and amendments, within a period of 12 weeks from the date of communication of this order.
10. In case, the petitioner is found eligible under the law of transfer, she shall be given an opportunity of being heard in respect of available suitable vacancies.
11. Since, the interest of the students and school are of paramount importance, the authorities must find suitable replacement of the teacher, if the transfer application is allowed, within a reasonable period of time not exceeding 6 months from the date of decision on transfer.
12. With the above observations and direction, the writ application being WPA 839 of 2024 is disposed of without any order as to costs.
13. Since, I have not called for any affidavits, the allegations made in the instant writ application

are deemed not to have been admitted by the respondents.

14. Urgent Photostat certified copy of this order, if applied for be given to the parties on priority basis upon completion of requisite formalities.

(Raja Basu Chowdhury, J.)