

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 2023 of 2024

**Rupesh Sharma
-versus
The State of West Bengal & Ors.**

**Mr. Shuvro Prokash Lahiri
Mr. Debajit Kundu
...For the Petitioner.**

**Mr. Sunit Kumar Roy
...For the SSC.**

**Mr. Subir Kumar Saha, AGP
Ms. Rima Sarkar
...For the State.**

**Mr. Hillol Saha Podder
... For the respondent nos.7 & 8.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner's application for general transfer is pending consideration at the end of the Head of the Institution. The same is required to be forwarded to the District Inspector of Schools (Secondary Education), Jalpaiguri.

Learned advocate representing the School submits that as the petitioner is the single teacher in the subject, accordingly, it will not be possible to forward application of the petitioner seeking transfer.

To controvert the submission of the school, learned advocate for the petitioner relies upon the notification of the School Education Department being

No. 09-SE/SE/S/Is-04/95(Pt-III) dated 3rd January, 2022 which mentions that in the event a single subject teacher makes application for transfer, the school management will not reject the application and inform the District Inspector of Schools (S.E.) about such application.

The District Inspector of Schools (SE) will immediately discuss the matter with the Commissioner of School Education and the DI will take urgent steps in a time bound manner to search a teacher of the same subject from nearby school and make local arrangement so that the teacher of the other school attends the school wherefrom the teacher has applied for transfer.

Without entering into the merits of the said application, the instant writ petition is disposed of by directing the Head of the institution/Headmaster to forward the application of the petitioner to the District Inspector of Schools (SE) who will forward the same to the West Bengal Central School Service Commission to consider the prayer of the petitioner in accordance with the notification mentioned hereinabove, at the earliest, but positively within a period of ninety days from the date of communication of this order. A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the application seeking transfer along with all medical documents in support of his prayer to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)