

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 2031 of 2024

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

**Mr. S. P. Lahiri.
Mr. D. Kundu.
...For the Petitioner.**

**Mr. Momenur Rahman.
Mr. Sourav Sarkar.
... For the State.**

The application filed by the petitioner seeking general transfer has been rejected by the Deputy Director of Public Instruction by order dated 7th June, 2024.

The petitioner faced problem due to the long distance of her work place from her residence. She joined the college on 26th August, 2019 and applied for transfer on 23rd December, 2021.

As five years period was not complete when the application for transfer was made, her prayer has been rejected. Apart from the above ground, there are other grounds for rejecting her prayer.

It appears that there are two regular teachers in the college and two contractual teachers. One of the regular teachers of the college was on maternity leave till 10th September, 2024. The petitioner is the other regular teacher. The DPI was apprehensive that if the petitioner is transferred, the immediate void in the academic atmosphere in Hindi subject will impede the teaching process leaving the Hindi Department consisting of 183 students with only two contractual

teachers. The petitioner has been advised to apply for mutual transfer.

Admittedly, on the date the application for transfer was filed by the petitioner, she was yet to complete the five years service period. As on date the five years period has expired. Accordingly, the ground of not completing five years of substantive service at her present place of posting cannot be resorted to for rejecting her prayer for transfer.

The other ground for rejection that the second regular teacher in the college is on maternity leave till 10th September, 2024 and, accordingly, the petitioner's application for transfer cannot be considered also appears to have been taken care of due to efflux of time. The leave of the other teachers was due to end on 10th September, 2024. The said period is over and the regular teacher must have joined by now. As on date there are two regular teachers and two contractual teachers.

At this stage there is no impediment on the part of the authority to consider the application of the petitioner seeking transfer. Time has ripened to consider afresh the petitioner's application seeking transfer.

In view of the above, the instant writ petition is disposed of by granting leave to the petition to file fresh application seeking transfer specifying the ground for the same.

In the event such an application is made, the same shall be considered by the college authority in accordance with law positively within a period of six weeks from the date of communication of this order.

If the college does not have any objection in allowing the petitioner's application seeking transfer, then the same shall be forwarded to the Director of Public Instruction immediately. The Director of Public

Instruction shall consider the prayer of the petitioner in accordance with law and dispose of the same within a period of six weeks thereafter.

The DPI shall consider the application of the petitioner afresh without reverting to the grounds as mentioned in the impugned order of rejection dated 7th June, 2024.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)