

04.01.2024
Item No.32
gd

WPA/2145/2023
BINATA SARKAR
VS
THE STATE OF WEST BENGAL & ORS.

Mr. Sudip Ghosh Choudhury,
Mr. Gopal Roy
..for the Petitioner.

Mr. Subir Kumar Saha,
Mr. Bedashruti Bose
..for the State.

Mr. Bikramaditya Ghosh,
Ms. Supriya Singh
..for the Respondent No.3.

The petitioner joined as an Assistant Teacher at Sonapur B.K. Girls High School pursuant to the recommendation of the School Service Commission on 14th July, 2011.

The petitioner states that the distance from her residence to the school is about 500 Kilometers (one side) and the petitioner is also suffering from serious ailments. The petitioner applied through the Utsashree Scheme and her prayer was rejected on the ground of single subject teacher.

The learned advocate appearing for the petitioner submits that such ground of rejection cannot be sustained in view of the order dated 13th December, 2023 passed by the Hon'ble Division Bench in MAT 2030 of 2023 in the case of Jadab Pal v. The State of West Bengal & Ors.

Heard Mr. Ghosh, learned advocate appearing for the School Service Commission on the said submission.

This court finds that the Hon'ble Division Bench in Jadab Pal (supra) held thus:

“3. Considering the fact that the interest of the student is a permanent consideration, we dispose of the appeal by directing the authority concerned to consider the application strictly in accordance with law under the relevant rules of transfer, as applicable to the appellant and in the event it is found that the petitioner/appellant is eligible for transfer, a suitable replacement should be found out within a reasonable time. However, the process for such replacement should immediately commence once a decision is taken in favour of the appellant.”

Therefore, in view of the aforesaid decision, this court is of the considered view that the rejection of the application for transfer of the petitioner on the ground of single subject teacher calls for interference.

Since the earlier order of rejection was on grounds including the single subject teacher, the same stands set aside and the Chairman, West Bengal Central School Service Commission, being the 3rd respondent, is directed to consider the application of the petitioner for transfer afresh which was submitted through Utsashree Portal on 8th December, 2021 in accordance with the relevant Rules for general transfer on distance ground and taking note of the decision of the Hon'ble Division

Bench in Jadab Pal (supra) and pass a reasoned order. Such order is to be communicated to the petitioner immediately thereafter.

The entire exercise shall be completed by the said respondent within a period of four weeks from the date of receipt of the server copy of this order.

With the above directions, WPA 2145 of 2023 stands disposed of.

There shall be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)