

17.
(DL)

18.03.2025
Ct. No. 18
(ARPAN)

W.P.A. 1997 of 2025

**Himangshu Debnath
Vs.
The State of West Bengal & Ors.**

Mr. Shuvro Prakash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal

...for the Petitioner

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

...for the State

Mr. Kanak Kiran Bandyopadhyay

...for W.B.C.S.S.C

Mr. Anirban Das

...for School Authority

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

Petitioner has made an application for transfer on general ground (distance) on Utsashree portal on 2nd February, 2022 but at the material point of time, transfer application of the petitioner could not be allowed by the authority of Gopalpur High School (H.S.), Hooghly (hereinafter referred to as '*the said school*') since it was found that petitioner was not coming within the zone of 10 per cent of the existing teaching staff of the said school on applying Rule 5(6) of the Transfer Rules of 2015.

However, today situation has been altered as it has been submitted by the learned advocate representing the said school authority since two other teachers were permitted to take transfer but ultimately they were not transferred to other school; therefore, petitioner is now

found to be permitted to take transfer and embargo relating to 10 per cent of existing teaching staff of the said school will not operate as bar.

In addition thereto it is found that petitioner is the single teacher in Physical Education in the said school but another teacher, namely, Subrata Saha of the said school has expressed willingness to take Physical Education classes after transfer of the petitioner temporarily till regular incumbent joins the resultant vacancy.

It is contended on behalf of the school authority that there is no impediment in permitting said Subrata Saha to take Physical Education classes, though he is an Assistant Teacher of Bengali, since Mr. Saha is having PGBT qualification which is a requisite educational qualification for an Assistant Teacher of Physical Education. In support of such submission, a copy of the letter dated 10th February, 2025 of Mr. Subrata Saha addressed to the Secretary of the said school expressing his willingness to take Physical Education classes is placed before this Court and same is taken on record.

In view of aforesaid submission made on behalf of the said school authority, this Court directs the said school authority to forward the transfer application of the petitioner in offline mode to the District Inspector of Schools (S.E.), Hooghly being respondent no.5 by seven

(7) days from the date of communication of this order. On receipt of transfer application of the petitioner, respondent no.5 is not required to find out willing teacher from neighbouring schools to man the post of the petitioner after his transfer since arrangement has already been made by the said school authority thereby permitting another teacher of the said school having requisite qualification to take Physical Education classes temporarily till regular incumbent joins the resultant vacancy. Therefore, respondent no.5 is directed to forward the transfer application of the petitioner by fortnight thereafter to the West Bengal Central School Service Commission for taking final decision. On receipt of transfer application of the petitioner, Chairman, West Bengal Central School Service Commission being respondent no.4 shall decide the same by six (6) weeks thereafter in accordance with law and the decision to be communicated to the petitioner by ten (10) days thereafter.

However, it is made clear that transfer application shall not be rejected on the ground of suspension of portal.

With the above directions, writ petition stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)