

24.
(DL)

19.03.2025
Ct. No. 18
(ARPAN)

W.P.A. 2001 of 2025

**Krishnendu Mahapatra
Vs.
The State of West Bengal & Ors.**

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

...for the Petitioner

Mr. Malay Krishna De
Ms. Neelam Singh

...for the State

Mr. Sourav Mitra

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

In terms of the order dated 13th February, 2025, a report has been filed by the District Inspector of Schools (S.E.), Purulia dated 4th March, 2025 and same is taken on record.

On perusal of the report, it appears that there are two Assistant Teachers in Sanskrit in Bargaria High School, Purulia. One is working in Higher Secondary section and another teacher is working in normal section. Therefore, it appears that the submission of learned advocate representing the petitioner that he is not a single teacher in the subject in the aforesaid school is correct. But matter needs to be looked into from different perspective in view of the other particulars indicted in the report dated 4th March, 2025. It is stated that there are ten Assistant Teachers working in the school against 1018 number of students and the pupil teacher ratio is 101:1.

In this regard amended Rule 6(2)(c) as contained in Government notification dated 8th September, 2021

whereby amendment was carried out in West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015, is quoted below:

“(c) Consider the number(s) of subject teacher(s) and roll strength. If resultant vacancy of school in particular subject become zero, or not commensurate with roll strength, the authority of SMC shall not forward the application”

From mere reading of Rule 6(2)(c) it appears in deciding the fate of transfer application which is made on general ground (distance), roll strength and pupil teacher ratio is a relevant consideration and in the present case, pupil teacher ratio is 101:1. Had it been a case of transfer on medical ground, in that event, Rule 6(2)(e) could have been pressed into service wherein it has been provided that while deciding the fate of transfer application made on medical ground provisions under Rules 6(2)(c) and 6(2)(d) can be dispensed with.

But it is a case of transfer on the ground of distance where this Court finds Rule 6(2)(c) is applicable taking note of the fact that the school has 1018 number of students against 10 teachers including the petitioner. Hence, no relief can be granted to the petitioner.

The writ petition stands dismissed.

However, petitioner shall be at liberty to apply in accordance with law for transfer after augmentation of teaching staff strength in the school in question.

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

(Saugata Bhattacharyya, J.)