

Item-
8. 16-06-2025

MAT 840 of 2025
CAN 1 of 2025

sg

Ct. 8

Subhra Halder Mandal
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Sk. Imtiaj uddin

...for the appellant

Dr. Sutanu Kr. Patra
Mrs. Supriya Dubey

...for the WBCSSC

Mr. Biswabrata Basu Mallick, Id AGP
Mr. Sayan Ganguly

...for the State

1. The appellant is aggrieved by an order dated 3rd June, 2025 by which the order passed by the District Inspector of School (Secondary Education), Purba Medinipur on 25th April, 2025 was not entertained on the ground that the writ petitioner was transferred and posted at the school as an interim measure pending completion of the recruitment process.
2. The grievance of the writ petitioner is that, although the petitioner may be a surplus teacher but while selecting the petitioner for the said post, the DI has not considered that she is a mother of one-year child and she has to cover a long distance.
3. Mr. Ekramul Bari, learned Counsel appearing for the writ petitioner/appellant submits that the DI has not mechanically applied the order as passed by the Hon'ble

Division Bench in which direction was passed to post a teacher in the said school as an interim measure till the recruitment process is completed amongst the surplus teachers in the neighbouring schools. It is further submitted that while considering the surplus teachers in the neighbouring schools for the purpose of accommodating a teacher in the vacant post, DI has not considered the difficulties being faced by the writ petitioner as well as the rationalization policy which governs transfer.

4. In the event there are surplus teachers in the neighbouring schools who can be accommodated provided the DI is satisfied with the representation made by the writ petitioner, we feel that a suitable teacher from such neighbouring schools may be accommodated in the vacant post till the final recruitment process is completed.
5. We agree with the submission of Mr. Bari that the rationalization policy should be taken into consideration while considering the selection of a surplus teacher from the neighbouring schools for the purpose of implementation of the order passed by the coordinate Bench presided over by the Hon'ble the Chief Justice which was for a special reason as mentioned in paragraph 1 of the order dated 2nd January, 2025. The interim measure was contemplated and directed to be implemented. The rationalization policy would apply when normal situation exists. It is a special situation and

for which a special direction has been passed.

6. However, it is needless to mention that even if the rationalization policy is not applicable considering the reasons as mentioned in the representation, the District Inspector of School (SE), Purba Medinipur shall consider such representation and shall make an endeavour to find out any other teachers from the surplus teachers from the neighbouring schools. Then an appropriate order may be passed amending the previous order.
7. Mr. Biswabrata Balu Mallick, learned Additional Government Pleader has placed before us an Office Memorandum dated 10th June, 2025 issued by the District Inspector of Schools (Secondary Education), Purba Medinipur fixing the date of hearing on 17th June, 2025 at 12.30 PM in the office chamber of the DI for consideration of the representation dated 9th May, 2025.
8. We direct the concerned DI to dispose of the said representation by a reasoned order after giving a reasonable opportunity of hearing to the petitioner on that date itself or within a week thereafter and the reasoned order shall be immediately communicated to the writ petitioner.
9. As we could not get any satisfactory answer from the State as to whether the recruitment process has been initiated or not, we direct the State authority to initiate the recruitment process for filling up the said vacancy

immediately.

10. With the aforesaid direction, the appeal and the application are accordingly, disposed of.
11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Smita Das De, J.)