

28.08.2025
Item No.08
Court No.11
KCP

MAT 1148 of 2025
with
IA No. CAN 1 of 2025
with
IA No. CAN 2 of 2025

Krishnendu Mahapatra
- Versus -
The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal.
...for the appellant

Mr. Saibal Acharyya,
Mr. Sankar Halder.
...for the State
Mr. Sourav Mitra.
...for the Central School
Service Commission

Affidavit-of-service, as filed, be kept on record.

Re : CAN 1 of 2025

This is an application for condonation of delay.

There is a delay of 107 days, which, we find,
has been sufficiently explained.

Hence, we allow the application for
condonation of delay.

The application is, thus, disposed of.

Re : CAN 2 of 2025

The appeal is from an order dated 19th March,
2025 passed by the learned single Judge dismissing
the writ petition filed by the appellants.

The principle ground for dismissal of the writ petition revolves around Rule 6(2)(c) as contained in the notification of September 8, 2021 of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 (hereinafter referred to as the said rules).

Mr. Lahiri, learned advocate appearing for the petitioner has sought to impress on us that the application of rule 6(2)(d) which has been subsequently explained by way of a guideline vide notification of January 3rd, 2022 was not considered by the learned single Judge while dismissing the writ petition.

Mr. Lahiri argues that the petitioner is not a single subject teacher and in fact teacher of Sanskrit in the said school along with the another teacher. Such fact had been disclosed before the Learned Single Judge at the time of hearing. Hence, as per the notification of January 3rd, 2022 in a school with five or less teachers if transfer is to be considered, there is no reason why in the school the appellant is employed, with 10 teachers, such transfer application should not be considered.

Mr. Mitra, learned advocate appearing for the Commission has drawn our attention to rule 6(2)(c) of the said rules, which was the ground on which the

transfer application of the appellant had been rejected and the ground on which the learned single Judge had dismissed the writ petition.

Mr. Acharyya, learned advocate appearing for the State also makes his submissions.

Having considered the submissions of the parties and having gone through the documents on record, we find that Rule 6(2)(d) of the said rules has no application in the instant case. The learned single Judge had considered Rule 6(2)(c), of the said rules by which the commensurate roll strength has to be considered for forwarding the transfer application by SMC.

The said Rule 6(2)(c) clearly states that to consider a transfer application, on general ground, roll strength as well as pupil teacher ratio are relevant considerations. Since the P.TR in the school of the appellant is extremely low, the transfer application was rightly rejected.

We also find from the notification of September 29, 2022 the proviso has been added to Rule 5(6) of the said rules by which the Pupil Teacher Ratio (PTR) of the school is to be taken into consideration.

We find that the Pupil Teacher Ratio in the said school is extremely low at, 101:1. Thus, for every 101 student, there is 1 teacher.

Thus, in this case the writ petition was rightly dismissed and we, therefore, dismiss the stay petition as well as the appeal.

There shall, however, be no order as to costs.

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

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)