

WPA 19959 of 2022

N.22S1

Ratna Mandal

151/CL

v.

18.06.25

The State of West Bengal & Ors.

Sl-36

Ct.551

(S.R.)

Mr. Ujjal Ray ... for the petitioner.
Ms. Sanghamitra Nandi
Mr. Raja Ram Banerjee ... for the State.

Mr. Dr. Sutanu Kr. Patra
Ms. Supriya Dubey ... for the WBCSSC.

The petitioner is aggrieved by the rejection of the petitioner’s application for transfer by the District Inspectors of School (SE), Hooghly (hereinafter referred to as “DI”) and returning the same to the school with a direction to the school to treat the case in terms of GO No.09-SE dated January 3, 2022 and inform the DI with supporting resolution of the Managing Committee of the school.

The case run in the writ petition is that the petitioner, an Assistant Teacher in Work Education (Pass) in Bandipur Girls’ High School (HS) applied for transfer on August 12, 2021 on the ground that the petitioner was the only care giver to her seven months’ child and that, the petitioner had another child, who was suffering from major illness. The petitioner has also averred that she is a Hepatitis B positive patient together with Gynaecological disorder.

The petitioner’s application was forwarded by the school authorities to the DI on August 20, 2021, who in turn forwarded the same to the West Bengal Central

School Service Commission. The West Bengal Central School Service Commission, however, returned the petitioner's application for transfer to the DI on the ground that the recommendation for transfer would not be issued in cases where there was a single-teacher in the concerned subject. The petitioner thereafter made a fresh application for transfer on October 1, 2021. The said application was also returned to the petitioner for a similar reason.

The petitioner then made a third attempt on December 14, 2021, which was forwarded by the school authorities to the DI. This time, however, the DI returned the petitioner's application to the school authorities on February 3, 2022 with the following observation: -

"Please treat the case as per GO No. 09-SE dt.3.1.2022 and inform accordingly to the DI/S(SE) with supporting resolution of MC".

The petitioner is aggrieved by the aforesaid action of the DI.

Mr. Ray, learned advocate appearing for the petitioner submits that the DI has acted illegally in returning the petitioner's application to the school by calling upon the school to act in accordance with the GO No.09-SE dated January 3, 2022 when, in fact, it was the obligation of the DI to discharge its duties in terms of the said GO.

Ms. Nandi, learned advocate appearing for the State respondents supports the stand of the DI.

Dr. Patra, learned advocate appearing for the Commission submits that the role of the commission has not yet begun inasmuch as the application has not yet reached to the Commission.

Having heard the learned advocates appearing for the respective parties and having considered the material on record, this Court is of the view that the DI has indeed acted illegally in returning the petitioner's application to the school authorities and directing the school authorities to act in terms of the GO No.09-SE dated January 3, 2022 and inform the DI accordingly with the supporting resolution of the Managing Committee of the school.

A perusal of the notification dated January 3, 2022 makes it more than clear that the only obligation on the part of the school authorities in terms of the said notification is to forward the application for transfer made by the relevant teacher to the relevant DI. Upon the application for transfer being forwarded to the DI by the school, the DI is obligated to act in terms of the said notification dated January 3, 2022 and make local arrangement for a substitute teacher in terms of the said notification. The DI has indeed no business to pass on the buck to the school authorities.

In such view of the matter, the petitioner's case for transfer is remitted to the DI with a direction upon the DI to take action on the petitioner's transfer, strictly in terms of the notification dated January 3, 2022 read with

notification dated December 21, 2021 where strict timelines have been provided for the authorities to take action in dealing with the cases of transfer.

With the above observations, WPA 19959 of 2022 stands disposed of.

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

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)