

27 08.01.2025
rkd Ct.18

W.P.A. 22420 of 2024

Malay Kumar Maity

-vs-

The State of West Bengal & Ors.

Mr. Ujjal Ray,
Mr. Abdur Rahim

....for the petitioner.

Mr. Pinaki Bhattacharyya,
Ms. Tithi Paul

....for the State.

Another report is filed on behalf of the District Inspector of Schools (SE), Jhargram today and the same is taken on record.

From the report, it appears that there were five sanctioned posts of Assistant Teacher in the school and one post of non-teaching staff (Group-D) was available.

It is also stated in the report that out of five teaching posts there are three teachers working including the petitioner who is only teacher in Science and Mathematics group in the school.

Report also reveals that one post of Assistant Teacher in Science group (Bio Science) is lying vacant. It is further indicated that though it was contended on behalf of the petitioner that there are three class units from Class VI to Class VIII but report indicates there were four class units which were running in the school from Class V to Class

VIII. But from the academic year 2025 whether school shall have three units or four is not finalised.

In view of aforesaid report the contention which was made on behalf of the petitioner on previous occasion that there are three sanctioned posts in the school and unless petitioner is transferred there is no scope to transfer or appoint another candidate in the school is found to be not correct.

Since the petitioner is the only teacher in Science and Mathematics group and if petitioner is transferred there will be two teachers in the school against three/four class units, the transfer of the petitioner is found impermissible at this stage.

Hence, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to make an application for transfer in accordance with law, in future after augmentation of teaching strength.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)