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21.01.2025
Ct. No. 18
adeb

W.P.A. 23055 of 2022

**Papiya Bhattacharya
Vs.
The State of West Bengal & Ors.**

Mr. Siddhartha Sankar Mondal
Sk. Imtiaz Uddin
...for the Petitioner

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja
...for the WBBSE

Mr. Abhishek Prasad
...for the State

Mr. Sourav Mitra
...for the WBCSSC
Ms. Akanksha Mukherjee
Mr. Subhamay Patra
...for the School Authority

In terms of the order dated 8th January, 2025 a report in the form of affidavit affirmed on 14th January, 2025 by the teacher-in-charge of Durbachati Milan Vidyapith (HS) South 24 Parganas (hereinafter referred to as the 'said school') is filed today and same is taken on record.

On perusal of paragraph 5 of the said report it appears that another assistant teacher namely Atanu Subhra Sahoo is possessing academic qualification of M.Sc. B.Ed in Physics. Therefore, it appears that petitioner is the only teacher in Chemistry in higher secondary section of the said school. Petitioner made application for transfer on

Utsashree Portal on 22nd January, 2022 but the application for transfer was refused to be forwarded to the District Inspector of Schools (SE) South 24 Parganas being respondent no. 3 by the said school authority since petitioner is single teacher in Chemistry in higher secondary section of the said school. Learned advocates representing the petitioner and West Bengal Central School Service Commission submit that since the petitioner is found to be single teacher in the subject in the school Government notification dated 3rd January, 2022 needs to be applied in order to make local arrangement in the school.

Having considered the respective submissions made on behalf of the parties and taking note of the Government notification dated 3rd January, 2022 the said school authority being respondent nos. 4 and 5 are directed to forward the transfer application of the petitioner in offline mode to the respondent no. 3 by 7 (seven) days from the date of communication of this order. On receipt of transfer application respondent no. 3 shall make endeavour to find out willing teacher from neighbouring school who can man the post of the petitioner after his transfer. If the resultant vacancy which is to be created on transfer of the petitioner can be filled up temporarily by a willing teacher and if the issue is found to be a

“fit case” in terms of notification dated 3rd January, 2022 petitioner shall be transferred in terms of her transfer application dated 22nd January, 2022.

Writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)