

W.P.A. 28536 of 2024

**Arundhati Banerjee
Vs.
The State of West Bengal & Ors.**

Mr. Ujjal Ray

...for the Petitioner

Mr. Biswabrata Basu Mallick, AGP
Mr. Sayan Ganguly

...for the State

Mr. Sunit Kumar Roy

...for W.B.C.S.S.C

Mr. Sharanya Chatterjee

...for Respondent Nos.6 & 7

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Today authorities of Panchpukur High School,
Hooghly being respondent nos.6 & 7 are represented by
Mr. Chatterjee, learned advocate who submits school
authority did not forward the transfer application of the
petitioner dated 13th September, 2022 since pupil teacher
ratio does not support transfer of the petitioner and in
addition to this, it is also submitted that petitioner is the
only female teacher in the co-educational school.

Learned advocate representing the petitioner
submits that application was made for transfer on
medical ground since petitioner is suffering from
ailments. It is also submitted that in terms of amended
Rule 6(2)(e) as contained in notification dated 8th
September, 2021, the school authority cannot withhold
transfer application of an applicant teacher made on

medical ground on the plea that pupil teacher ratio does not permit such transfer.

Having considered the respective submissions made on behalf of the parties and taking note of the relevant provisions as contemplated under amended Rule 6(2)(e), it is found that when applicant teacher makes application for transfer on medical ground, it cannot be rejected by the school authority on the ground that pupil teacher ratio does not permit such transfer.

Additionally, it has also been submitted on behalf of the school authority that school in question being a co-educational school and petitioner being the only female teacher in the said school, she should not be permitted to take transfer on medical ground. However in support of such submission no statutory provision is placed before this Court wherefrom it can be concluded that single female teacher in co-educational school should not be permitted to take transfer.

Hence, authority of Panchpukur High School, Hooghly being respondent nos.6 & 7 are directed to forward the transfer application of the petitioner through offline mode to the District Inspector of Schools (S.E.), Hooghly being respondent no.5 by seven (7) days from the date of communication of this order. On receipt of the transfer application, respondent no.5 shall take necessary steps for obtaining medical report on

examination of the petitioner by three (3) weeks thereafter. If medical report justifies transfer of the petitioner, transfer application along with medical report shall be forwarded to the Chairman, West Bengal Central School Service Commission by fortnight thereafter. On receipt of transfer application and medical report, Chairman, West Bengal Central School Service Commission being respondent no.3 shall decide the same by four (4) weeks thereafter. Decision to be taken by the Chairman shall be communicated to the petitioner by one (1) week thereafter.

It is made clear that suspension of portal shall not be a ground to reject transfer application of the petitioner.

The school authority shall be at liberty to take steps in accordance with law for filling up the vacancy which is to be created on transfer of the petitioner in the event petitioner is transferred.

With the above directions, 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.)