

21.01.2025
Court No. 18
Item No. 06
(Suvendu)

WPA 29425 of 2024

Sonali Kumar

-Versus-

The State of West Bengal & Ors.

Mr. Sourav Mondal

Mr. Sayantan Mukherjee

.....for the petitioner

Mr. Binoy Kr. Das

.....for the State

Mr. Sunit Kumar Roy

....for the WBCSSC

Mr. Pinaki Bhattacharyya

Ms. Priti Dutta

....for the respondent no.5

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

By presenting this writ petition, petitioner
has prayed for transfer from her present school
to a school which is nearby to her place of
residence. Petitioner's off-line transfer
application dated 27th September, 2024 is at
page 22 of the writ petition.

On perusal of the transfer application, it
appears that petitioner has prayed for transfer
firstly on the ground of distance since her
matrimonial house is far away from the place
where her school is situated. Additionally,

petitioner has stated that she is suffering from some ailments. Marriage of the petitioner was solemnized in 2010 whereas opportunity was granted to the teachers to apply on-line for transfer by making application on Utshasree portal and said portal was operational till 29th September, 2022. Petitioner did not apply on-line for transfer. Subsequently petitioner has made application for transfer on 27th September, 2024 through off-line mode.

In order to treat the off-line application of the petitioner as an application made on special ground due to ailments of the petitioner, amended Rule 4(a) is required to be applied as contained in notification dated 8th September, 2021 whereby the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 has been amended. Amended Rule 4(a) is quoted below:-

“4(a) Any incumbent or his/her son/daughter/spouse suffering from malignant disease/severe heart disease/renal failure/thalassemia, replacement of organ/serious gynecological disorder causing serious problem in attending the school;”

Specific diseases are delineated in Rule 4(a) and if the teacher or his/her son/daughter/spouse suffers from one of such diseases, the teacher is entitled to apply for transfer on special ground. This is not a case where the teacher is suffering from specified diseases as provided under amended Rule 4(a). In addition thereto, provisions as contained in amended Rule 4(b) to 4(e) do not come in aid of the petitioner.

Hence, the transfer application of the petitioner cannot be treated an application on special ground.

Therefore, no relief can be granted to the petitioner and writ petition stands dismissed.

However, this order shall not preclude the petitioner to apply for transfer in accordance with law in future, if situation so arises.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)