

20.01.2025
Court No. 18
Item No. 02
(Suvendu)

WPA 29982 of 2024

Mousumi Malick

-Versus-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

Ms. Shreyeta Mitra

.....for the petitioner

Mr. Sourav Mitra

.....for the WBCSSC

Ms. Koyeli Bhattacharya

Mr. Bibek Datta

Ms. Keya Panja

....for the WBBSE

Mr. Binay Kr. Panda

Mr. Raju Mondal

...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 to another school on the ground of distance in between the present school of the petitioner and her place of residence.

With reference to page 16 of the writ petition it appears that petitioner's transfer application, which was made on Utshasree portal, was not forwarded by the authority of Durgapur Girls' High School, Paschim Bardhaman since petitioner was found to be a single teacher in Mathematics in Higher Secondary section of the school.

On the last occasion, aforesaid school authority was directed to be served with notice and today matter is being heard in presence of

learned advocate representing the school authority.

It is submitted on behalf of the aforesaid school authority that there are two teachers in Mathematics in the school, one is Nandita Gorai who is working in normal section in the school having B.Sc. (Honours), B.Ed degree and another is petitioner who is working in Higher Secondary section. Though petitioner was initially having Honours graduate qualification but on up-gradation of her academic qualification she has been enjoying post graduate scale of pay vide memo dated 8th August, 2014 issued by the Additional District Inspector of Schools (SE), Durgapur Sub-Division. Therefore, according to the school authority, petitioner is the only teacher of Mathematics in Higher Secondary section.

On the contrary, it is contended on behalf of the petitioner that petitioner is not the single teacher in Mathematics in the school since another Mathematics teacher is working in normal section. Therefore, petitioner prays for direction for her transfer based on transfer application which was made on Utshasree portal.

Having considered the respective submissions made on behalf of the parties, it appears that petitioner is only teacher in Mathematics in the school in question having post graduate qualification in Mathematics. On the contrary, teacher working in normal section does not have post graduate qualification. Therefore, she is not having requisite academic

qualification to take classes of Mathematics in Higher Secondary section.

Hence, it appears that there is substance in the contention made on behalf of the school authority that petitioner is only teacher in Mathematics in High Secondary section.

However, even in the case of single teacher in a school transfer of the applicant teacher needs to be considered in terms Government notification dated 3rd January, 2022 wherein concerned District Inspector of Schools (SE) is authorized to make local arrangement in school by deputing another teacher from a neighbouring school having requisite qualification.

Hence, writ petition stands disposed of directing the District Inspector of Schools (SE), Paschim Bardhaman, being respondent no. 4 to make endeavour to find out a willing teacher from neighbouring schools who can man the post of petitioner after her transfer, if it is found as a “fit case” in terms of said notification dated 3rd January, 2022. If willing teacher is made available to the aforesaid school, petitioner shall be transferred in accordance with law.

There shall be, however, 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.)

