

14.01.2025
Court No. 18
Item No. 08
(Suvendu)

WPA 30484 of 2024

Suman Das
-Versus-

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal
.....for the petitioner

Mr. Malay Singh
Ms. Neelam Singh
.....for the State respondents

Mr. Kanak Kiran Bandyopadhyay
.....for the WBCSSC

Mr. Nilay Baran Mandal
.....for the respondent no.6

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

By presenting this writ petition, petitioner
has prayed for his transfer on general ground
that is distance between the present school of
the petitioner and his place of residence.

On perusal of a document at page 34 of
the writ petition, it appears that last transfer
application was made by the petitioner on
Utshasree portal on 27th July, 2022 and same

has been forwarded by the District Inspector of Schools (SE), North 24 Parganas on 25th August, 2022 to West Bengal Central School Service Commission for taking decision. However, endorsement made on 13th August, 2022 by the school authority where petitioner is presently working goes to show that though petitioner is an Assistant Teacher in Geography in normal section, he is taking classes of Geography in Higher Secondary section.

According to the concerned school authority, apart from petitioner there is no other teacher in the school who can take classes of Geography in Higher Secondary section. It is submitted on behalf of the school authority that there are two sanctioned posts of Assistant Teachers in Geography in the school and against those two sanctioned posts petitioner and another teacher are working. One post is meant for pass graduate teacher and another post is meant for a teacher having Honours/post graduate degree. It is further submitted that petitioner is possessing post graduate degree in Geography with Honours in Geography at graduation level whereas another teacher is manning the post of Assistant Teacher which is

meant for a candidate having pass graduate degree. That another teacher in Geography, according to school authority, is possessing Honours graduate qualification. It is submitted that in Higher Secondary section a teacher having post graduate degree can only take classes.

It is submitted on behalf of the petitioner that since petitioner is a teacher of Geography in normal section having post graduate degree notwithstanding allotment of classes of Geography in Higher Secondary section by the school authority, petitioner should be regarded as a teacher of Geography in normal section. Therefore, in presence of another teacher in Geography he should not be adjudged as a single teacher in Geography in the school, as a result thereof there is no impediment for releasing the petitioner if he is found fit for transfer.

Court has posed query to learned advocate representing State respondents as to whether concerned District Inspector of Schools has taken steps to transfer the petitioner following Government notification dated 3rd January, 2022 by ensuring local arrangement in the

school of the petitioner on deputing another teacher who can man the post of the petitioner. This Court does not get any reply today.

From the submissions made on behalf the respective parties, it appears that at present considering academic qualification possessed by two teachers in Geography in school in question petitioner is the only teacher who can take classes in Geography in Higher Secondary section having post graduate degree. Since another teacher does not have post graduate degree that teacher is not found suitable to take classes in Higher Secondary section. Hence, petitioner having post graduate qualification in Geography at present is found to be a single teacher in Geography to take classes in Higher Secondary section and in the event petitioner is released on transfer there will be no teacher in the school to take Geography classes in Higher Secondary section unless new teacher joins the post of Assistant Teacher in Geography in the school having requisite qualification to take classes in Higher Secondary section.

Therefore, the District Inspector of Schools(SE), North 24 Parganas being respondent no. 5 is directed to take steps in

terms of Government notification dated 3rd January, 2022 and find out a willing teacher who can man the post of the petitioner from neighbouring schools. If willing teacher is found who can take classes of Geography in Higher Secondary section after transfer of the petitioner, steps shall be taken to transfer the petitioner in accordance with law based on his transfer application dated 27th July, 2022.

With the above observations and direction, writ petition stands disposed of.

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.)