

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13647 of 2023

Saraju Samanta
–versus–
The State of West Bengal & Ors.

Mr. Ujjal Ray
Mr. Sk. Abdur Rahim
... For the petitioner

Mr. Sanjib Das
Mr. Chandra Kumar Mandal
... For the State

Mr. Sunit Kumar Roy
... For the WBCSSC

1. The petitioner seeks transfer. Her application seeking transfer was returned by the District Inspector of Schools (Secondary Education), Malda on 30th April, 2022 with the remark 'Medical Certificate submitted by applicant is not recommended by CMOH Malda'.
2. The petitioner has annexed the status of the midday meal of the subject school in support of the submission that in the Upper Primary Section, there is only one student. The petitioner and the teacher-in-charge are the two teachers in the said school.
3. The petitioner presses for transfer.
4. It appears that the rejection of the petitioner's application was made in April 2022. A considerable period of time has elapsed from the day the

application of the petitioner for transfer stood rejected.

5. Accordingly, the instant writ petition stands disposed of with the observation that it will be open for the petitioner to make fresh application offline seeking transfer in the prescribed format disclosing ground for the same.

6. In the event such an application is made, the head of the institution shall consider the pupil-teacher ratio of the school and if it appears that there are no students or there are less number of students in the school, then the petitioner's application seeking transfer be forwarded to the District Inspector of Schools (Secondary Education), Malda for consideration.

7. A decision shall be taken at the earliest but positively within a period of eight weeks from the date of filing of the application.

8. The fate of the petitioner's application shall be made known to the petitioner.

9. Suspension of the Utsashree portal shall not stand in the way of the respondents in taking steps in terms of the order passed hereinabove.

10. The writ petition stands disposed of.

11. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)