

Item No.37
15.07.2025
Court No.08
Cp

MAT 164 of 2024
with
CAN 1 of 2024
with
CAN 2 of 2024

Debasis Sur
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Mrs. Shreyita Mitra
Ms. Pritha Biswas

.....for the appellant.

Dr. Sutanu Kr. Patra
Ms. Supriya Dubey

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

Mr. Pinaki Dhole
Md. Ziaur Rahaman

....for the State.

1. CAN 1 of 2024 is an application under Section 5 of the Limitation Act. There is a delay of 594 days in preferring the appeal.
2. We are satisfied with the explanation offered for not being able to prefer the appeal within the statutory period of limitation.
3. The application for condonation of delay in preferring the appeal is, thus, allowed.
4. In view of the fact that the school has given a 'No Objection Certificate', for the transfer and the refusal to transfer on the ground that the petitioner/appellant is a single teacher is no more *res integra* in view of the judgments of the

coordinate bench in ***Prapti Chakraborty vs. The State of West Bengal & Ors., (MAT 205 of 2023)***, reported in ***2023 SCC Online Cal 2403, Pragma Sarki Vs. The State of West Bengal & Ors. (MAT 4 of 2023)*** and ***Piyali Goswami vs. The State of West Bengal & Ors. (MAT 64 of 2025)***.

5. Still on consideration of the fact that the interest of the students is also required to be taken into consideration and the consequence that the students may suffer if the teacher is suddenly transferred midstream, we direct the West Bengal Central School Service Commission to reconsider the petitioner's case for transfer within a period of six weeks from the date of communication of this order.
6. If the petitioner is found to be eligible then take immediate steps for filling up the resultant vacancy that may arise if a transfer order is issued keeping in mind the interest of the students.
7. It is also to be noted that the petitioner was otherwise eligible for transfer in the year 2021.
8. While deciding the application for transfer of the petitioner any preference of the petitioner in the application for transfer may also be taken into consideration.

9. The order impugned is accordingly set aside.
10. The appeal and the connected application being CAN 2 of 2024 are accordingly disposed of.
11. There shall be no order as to costs.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties on an urgent basis upon compliance of usual formalities.

(Soumen Sen, J.)

(Smita Das De, J.)